

14

AN
ENQUIRY
INTO, AND
DETECTION
OF THE

Barbarous Murder

Of the late

EARL OF ESSEX:

OR, A

Vindication

OF THAT
NOBLE PERSON,
From the Guilt and Infamy of having
Destroyed Himself.

Printed in the Year MDCLXXXIX.

AN
 ENGLISH
 INTO AND
 DETECTION
 OF THE
 GENUINE
 OF THE
 EARL OF ESSEX
 OF
 Vindication
 OF THAT
 NOBLE PERSON
 From the Guilt and Injury of having
 been so long
 Taken I in the Year MDCCLXXIX

Upon the Execrable Murther of the Right Honourable
ARTHUR Earl of Essex.

Mortality won'd be too frail to bear,
How ESSEX fell, and not dissolve with fear;
Did not more generous Rage take off the blow,
And by his Blood, the steps to Vengeance show.

The Tow'r was for the Tragedy design'd,
And to be slaughter'd, he is first confin'd:
As fetter'd Victims to the Altar go.
But why must Noble ESSEX perish so?
Why with such fury drag'd into his Tomb,
Murther'd by Slaves, and sacrific'd to Rome?

Madam
My dearest

By stealth they kill, and with a secret stroke
Silence that Voice, which charm'd when e'er it spoke.
The bleeding Orifice o'erflow'd the Ground,
More like some mighty Deluge, than a Wound.
Through the large space his Blood and Vitals glide,
And his whole Body might have past beside.
The reaking Crimson swell'd into a Flood,
And stream'd a second time in Capel's Blood.
He's in his Son again to Death pursu'd,
An Instance of the high'st Ingratitude.
They then Malicious Stratagems Employ,
With Life, his dearer Honour to destroy;
And make his Fame extinguish with his Breath,
An Act beyond the Cruelties of Death.
Here Murther is in all its shapes complear,
As Lines, united in their centre meet,
Form'd by the blackest Politicks of Hell;
Was Cain so diabolish when his Brother fell?
He that contrives, or his own Fate desires,
Wants Courage, and for fear of Death expires;

But Mighty *ESSEX* was in all things brave,
Neither to Hope, nor to Despair, a Slave.

He had a Soul too Innocent, and Great,
To fear, or to anticipate his Fate:

Tet their exalted Impudence, and Guilt,
Charge on himself, the precious blood they spill.

So were the Protestants, some years ago,
Destroyed in Ireland without a Foe.

By their own barbarous Hands the Mad-Men dye;
And Massacre themselves, they know not why.

Whilst the kind Irish, waw to see the God, or but
And Pious Catholicks, their Fate deplore.

If you refuse to trust concenous Fame,
Royal Mac-Ninny will confirm the same.

We have lost more in injur'd Capel's heir,
Than the poor bankrupt age can e'er repair.

Nature indulg'd him so, that there we saw,
All the choise strokes her Reddy hand cou'd draw.

He the Old English Glory did revive,
In him we had Plantagenets alive.

Grandeur, and Fortune, and a vast Renown,
Fit to support the lustre of a Crown.

All these in him were patently conjoyn'd,
But all was too ignoble for his Mind.

Wisdom and Virtue, properties Divine,
Those, Godlike *ESSEX* were entirely thine.

In his Great Name he's still preserv'd alive,
And will to all succeeding times survive.

With just Progression, as the constant Sun,
Doth move, and through its bright Ecliptick Run.

For whilst his Dust does undistinguish'd lie,
And his blest Soul is soar'd above the Sky,

Fame shall below his parted Breath supply,
And his great Name shall live eternally.

Wants Courage and for fear of Death expires;

Among all the Sins which are said to cry for Vengeance, there is none to which a louder Voice is ascribed in the Ears of God as well as Men, than that of *Murder*; For as it is the destroying a Creature, which carries the stamp and impress of the Divine Image, and therein a defacing the most visible representation, which God hath vouchsaf'd unto, and left of himself in sublunary Beings; so it is a most daring insurrection against the Authority of the Supream Lawgiver, who design'd his inhibition for a sufficient Fence about our Lives. Nor does any Crime more audaciously control the End of Divine Wisdom in making us sociable Creatures, and furnishing us with Faculties and Powers by which we are enabled as well as instructed to help and shelter one another. And therefore in proportion to the heinousness of the guilt of the Sin of *Murder*, are both the denunciations of God in the Word, and his vindictive Dispensations of Providence against it, wrote in more legible Characters, than those wherein we find his displeasure recorded and testified against other Crimes. Profane as well as Sacred Stories are filled with instances of God's inquisition after the shedding Innocent Blood, and of the wrathful severity which he hath shown against Families as well as Persons in whose skirts it hath been found.

And as no Transgression is more provoking to God, so none does so much incense and exasperate Mankind. The destroying one innocent Person, is construed as a threatening of all; nor can we hear of the cutting our Neighbours throat, but we judge our selves alarm'd and bid look to our own. Nor is it only by the instinct, but by the Authority of the Law of Nature, that Murderers have in all Places and Ages, been pursued with an Universal hatred. He abandons his own Life to the Will and Pleasure of the next Assailant, who esteems it not his duty not only to wrest the weapon out of a Murderers hand, but to bring the Malefactor to publick punishment.

And though there is no Person so dignified or priviledged, in whom Assassinations and Murders are not highly detestable, and to be prosecuted with the utmost Impartiality and Zeal; yet they deserve the greatest abhorrency, when perpetrated by those, whose duty it is to defend our Lives instead of invading them. For if it be criminal in a very Enemy to kill the Person whom he reckons himself most injured by, unless empowered thereunto by a judicial Sentence, or a legal Warrant; how infinitely more enormous is it, for those to be Authors of, or instrumental in our ruine, to whom the care of our preservation is committed and entrusted. And by how much any are vested with the administration of the Law, to avenge them-

A

selves

selves and the community upon offenders; by so much does their crime and guilt become enhanced, if when they cannot gratify their indignation in the person and quality of Magistrates, they espouse the Work and Character, and assume the weapons of an Assassin. And who knows, but that as the Attorney General had the boldness in print to call the Accusation and Commitment of the *Earl of Essex*, * a *Conviction for High Treason*, but that others upon that *Conviction* might have the impudence to give order for his Execution. What more hateful sight can there be to Heaven, or more engaging spectacle to Men, than to find those, who by the places they are advanced unto, and the trust that is reposed in them, ought to watch for our safety, conspiring our ruine, and what they have not the courage themselves to execute, tempting and hiring others to commit?

As it will be easily allowed, being indelibly engraven in our Natures, that every Murder is to be registred amongst crimes of the deepest dye; so it cannot be denied, but that one may be of a more heinous Nature than another, and receive aggravation from the Worth and Quality of him that is Assassinated. For as the value of kindnesses grows in proportion to the meanness of the Persons on whom they are bestowed; so crimes receive an increase of guilt, from the Dignity and Usefulness of those against whom they are committed. By how much higher the station of any one is in the Commonwealth, and by how much through his Wisdom, Power, Bounty and influence, he is beneficial to the Nation; by so much is the destruction of such a Person attended with the higher aggravations, and to be resented as a most enormous Crime. Nor are we only to esteem our selves injured, and threatened in and by the example of such a Persons ruine, but we are to account our selves wronged, and ought to demand reparation, answerable to the benefits we reaped by him, and which we are robbed of by the loss of so useful and worthy a Person. Our Law in making that against a Peer liable to an *Action of Scandal*, which it takes not so much as cognisance of as an offence against little and inferior People; could not be so improvident in reference to the Lives of Noblemen, as not to set a stronger and higher hedge about them, than those of Mechanicks are fenced and defended by.

Nor is it only from the quality of a Person against whom a crime is committed that it receives an aggravation; but there accrues a new addition of guilt thereunto, from the obligations which the Person destroyed, may have laid upon those who were instrumental in, and accessory to his ruine. To see one perish by the hands of those, whom he may have injured

* *Braddens Trial* p. 4.

jured either in their Persons, Reputations, or Interest, is no more than what we may sometimes find instances of among the unruly and degenerate part of Mankind; but to hear that a Person is assassinated by those whom he served with the utmost Zeal and Fidelity, is a villany which none but prodigies of Ingratitude, and monsters of humane Nature, can be guilty of. But there is a certain Duke in the World, whom I shall forbear to name, whose temper is to bestow his Favours upon such as have been his Majesties greatest Enemies, as well as the most profligate and basest among Men; and in the mean time recompense such not only with neglect, but hatred, whose Parents, as well as themselves, had shed their Blood, and ventured their Fortunes in the behalf of the King and the Royal Cause. How true is that of *Tacitus*, lib. 4. *Annal. Beneficia ense laesa sunt, dum videntur exolveri posse, ubi multum amovenere, pro gratia odium redditur.* Kindnesses are acceptable while they may be repaid; but when they exceed all possibility of recompence, they meet with hatred instead of acknowledgment. There is no other way to be secure from the Malice of some sort of People, than in the place of obliging them, to keep them at defiance: For whereas they are altogether incapable of being won and impressed by Courties, they are neither to be chained up, or menaced from doing mischief.

And as all I have suggested, makes but too suitable an Introduction into this following Discourse of the Assassination of the Earl of *Essex*; so it is no small reflection upon the Honour of the Nation, and proclaims the execrableness of the Fact, and impudent boldness of the Actors, that they durst perpetrate this horrid Villany, not only in the Royal Prison, where the Government in the account of the Law is responsible and pledge for the safety of the Captive, but in one of his Majesties Palaces, where the King Himself is to be esteemed Security for the preservation and forthcoming of all who come under his roof. The honourable Gentleman being the King's Prisoner, and deprived of all means and advantages of defending himself: these trusted with the administration of the Government, and particularly the King, were to be responsible for him in case he miscarried. Nor can his Majesty's best Friends, and those who are most zealous for his Honour, think otherwise of that villanous Fact, than that they who were the Contrivers of it, intended at once to rob the King of one of the best and ablest Ministers he had ever employ'd, and to give a mortal Wound to the Royal Reputation, by perpetrating the bloody Crime in such a place. And whereas the Queen had lain under an imputation of reproach, upon the account of Sir *Edmundbury Godfrey's* being assassinated in *Somerset-House*, they might hope to involve the King under the like dishonour, by cutting the throat of this Noble Peer in the Tower of *London*.

Nor ought any Man whom the Providence of God hath furnished with means and advantages of detecting so horrid a Murder, be judged either officious, or held for disaffected to the Government, if he reveal what he hath attained to the knowledge of, and publish those Evidences, which as they have satisfied himself, may be sufficient to convince all the unbiass'd part of Mankind, of the truth and reality of this barbarous assassination. And as it is impossible he should be a good Christian, so he ought not to be esteem'd a good Subject to his Majesty, nor a sincere Friend to his Country, who shall more value his own ease and safety, than the delivering the Throne from guilt, or saving the Nation from that vengeance, which the cry of innocent Blood barbarously and treacherously shed, is ready to derive and bring upon it. And it is no small evidence by whose Countenance and Authority this Murder was committed, that such discouragements have been given to the discovery of it, and that an honest Gentleman hath been so severely proceeded against, in defiance of all Laws, as well as without Prejudice; for but offering to represent what he had learned in relation to the destruction of that honourable Person. But as we shall have occasion to speak more fully of that afterwards, I shall only add here, That the barbarity expressed to Mr. *Braddon*, is so far from deterring others to pursue this affair, that his ill treatment at the Council Board and King's Bench, was one of the Motives of my undertaking this Province. And as by reason of the retirement I have confined my self unto, and the privacy I have used in following these researches, I labour not under the inconvenience of dreading a Fine or Prison, which does so much frighten others; so I dare boldly affirm, That the terror of these things (were I to encounter them) would not so affect me, as to make me neglect what I reckon a necessary as well as an important duty. *Patria deesse quoad visa suppetat, aliis turpe, mihi etiam nefas*, was the saying of *Camillus* in *Livy*. And tho' I be not so vain and ambitious, as to desire the World should know who I am, yet I judge it absolutely needful, that they should understand who I am not, lest others come into trouble for that which ought not to be charged upon them, and which none but my self can with any Equity or Justice be made accountable for. And seeing Mr. *Braddon* hath been singled forth as the object of some Mens indignation, for the service he was willing to have done his Majesty, in the detection of this Murder; I reckon my self bound to publish to all the World, That I know not the Gentleman, and that to the best of my remembrance, I never saw him, much less ever have conversed, or had any communication with him: I will not deny, but that he is a person whom I do infinitely esteem for his Integrity, Zeal, and Courage in this matter; yet I will not be so far inju-

rious

rious to him, as to commence an acquaintance with him, during the transaction and dependance of this affair, and while he is under the power of those that will be ready to declare him criminal, for the least incourse with a person that is likely to become so obnoxious to the rage of *St. James's* and *Westminster-Hall*, as I may come to be for this Service to the King and Kingdom.

And besides the common ties, which I lie under equally with the rest of Mankind, for endeavouring to detect so horrid and barbarous a Murder, there are some special Obligations upon me, by which I esteem my self more particularly bound than others are, to do all the right and justice I can to the Memory of this massacred Lord, and to redeem his Name from the infamy with which they have aspersed him, of being *Felo de se*. For I had not only the honour to be known to him, which *Mr. Braddon* pretends not unto, but besides the favouring me with diverse Testimonies of this respect, he did me the kindness to own and befriend me at a juncture, when I was in no small hazard from the Malice of very powerful, as well as considerable Persons. And seeing that honourable Peer has been so unhappy, as to find nothing but Ingratitude, as well as Injustice, from those of highest and sublimest quality, whom he had most effectually serv'd, and infinitely oblig'd; it is not amiss, that the World should understand there are some remains of Vertue and Gratitude among the mean and little People; and that tho' their Condition does not enable them to recompense Favours conferred upon them by great Persons, yet they have that ingenuity which others want, viz. to sense and knowledge them.

And as I reckon it no small honour to have been known to the deceased Peer, so I thereby enjoyed an advantage which others wanted, namely an opportunity of learning the principles, and observing the temper of that excellent person: Whom as I found to be one inbu'd with the most Vertuous and Religious, as well as Heroick and Generous Principles of any Nobleman in the Kingdom; so I observed him to be a Gentleman of the greatest sedateness of Mind, least subject to the undue agitation of unruly Passions; and most under the conduct of a calm, steady, strong, clear, and well poised Reason of any Man of Quality, I ever had the happiness of access unto. And if either the succours of Nature, Education, or Grace, were sufficient to fortifie and preserve a Person from such an Enormity and Crime, then must the Earl of *Essex* above all Men, be acquitted from the guilt of so execrable a fact, as being contrary to the Frame and Constitution of his Nature, as well as to all the intellectual and moral habits of his Mind. So villanous a deed, was inconsistent with his Temper, as well as repugnant to his Vertue.

As

As he was an excellent Christian, he durst not allow a thought that might give encouragement to so heinous a sin; and as he was a well-accomplish'd Gentleman, he scorned to render himself guilty of a thing that was so mean and base. Nor was the folly of the Assassins less, in hoping to obtain Credit to a report, that the Earl of *Essex* cut his own throat, than their wickedness was, in contriving and perpetrating themselves, that bloody Murder upon him.

Yea, as if it had not been enough, to have first cut the throat of this innocent tho' unfortunate Earl, and then to have fastned the guilt and infamy of their own Fact, upon his untainted Vertue and spotless Soul; they have sought to gain credit to their calumnious accusation, and to reconcile unthinking people to their Opinion, by affirming that he used to commend and justify Self-murder, in case there remained no other way to escape a capital Punishment, and the being made a spectacle to the little and gazing part of Mankind. And to give the better gloss to this malicious fiction, they report that he used to extol the action of his Lady's Grandfather the Duke of *Northumberland*, who being Prisoner in the Tower for Treason, shot himself in the head with a Pistol. But as the Earl of *Essex*, had he entertained so ungodly and corrupt a sentiment, was more prudent and discreet than to publish and avow an Opinion so contrary to the Rules of Religion, the Principles of Honour, and the common sense and perswasion of Mankind; so it is enough to detect the falshood, as well as the malice, that is in this report, that the Authors and Dispersers of it, either dare not declare the persons to whom the Earl should have discovered and revealed his Mind in this matter, or else such as they have named for Vouchers of the truth of this story, have not only denied their having at any time heard him express the least word in favour of Self-murder, but do affirm with all the sacredness imaginable, that he used to speak always of it with the utmost abhorrency, and to brand it as the greatest and most heinous sin. For whereas they have had the Impudence to affirm that this report either proceeded originally from his own Lady, or was at least assented unto, and attested by her, she hath upon application to her Ladyship for the knowledge of the truth or falshood of this story, not only with all the solemnity requisite in a matter of this importance, vindicated my Lord from having ever spoken a word that might induce the lawfulness of Self-murder, or give countenance to a person's being *Felo de se*, but she hath further affirmed, That he used to speak against it with an emotion beyond what was customary to him, and that he hath often declared, that no circumstances whatsoever could extenuate the guilt, or lessen the infamy of so unnatural and wicked

wicked fact. So that this story, which hath been so maliciously and industriously spread, to gain belief to the report of my Lords having murdered himself, may upon this detection of its falshood, be very justly improved for the establishing an assurance that he was Assassinated by others. For it is impossible to imagine upon what other motive it could be invented, unless to palliate the crime of those who had destroyed him.

But should it be granted that the late Earl of *Essex* used to speak with all candor and respect of the Duke of *Northumberland*, who slew himself in the Tower; it was no more than what might be expected from a Gentleman of civility and good breeding, partly out of *decorum* and complacency to his Lady, whose Grandfather the said Duke was, and partly out of respect to that Nobleman's personal Merit and Worth, being upon many accounts a truly great Person. For is it not enough to condemn a fact, without heaping obloquy and reproach upon him that hath been guilty of it? It is sufficient to represent the evil of a thing in *Thesi*, and to demonstrate the Sin, as well as Dishonour in committing it; but it neither agrees with the Rules of Religion, nor the measures of conversation among Persons of Quality, to be over severe in *Hypothesis*, and to pronounce this or that Man wicked and infamous, though upon the score of that which we have doctrinally, and in way of argumentation, Censured and Condemned. Nor was the Earl of *Essex*'s case, parallel to that of the Duke of *Northumberland*, that the latter should make the former a President. For whereas that Duke was not only accused, but condemned for High-Treason, when he committed that Fact; the Earl though accused and committed, not only knew himself innocent of the Crime wherewith he was charged, but was well assured that there was no Evidence upon which they could proceed to Try, and much less to Condemn him. For of all the Witnesses who had undertaken the drudgery of swearing Men out of their Lives, there was only my Lord *Howard* that could pretend to so much acquaintance with him, whose Testimony being but that of one Man, and of a very infamous one too, it could not have found an indictment of Treason, much less be esteemed a sufficient proof in Law, for the Conviction and Condemnation of the meanest Subject.

And this leads me to another *Topick* that the Earl of *Essex* did not destroy himself, but was murdered by others. For whereas it is not only sworn, that he cut his own Throat, but **That he had ordered his Servant two Days before, to provide a penknife for him, on pretence of cutting his Nails, but with an intent (as Bomey insinuates in his deposition) of committing that fatal and irrevocable Act*; I doubt not but to make it appear that he was so far from

* *Braddon's Trial* p. 43. 33.

any previous intention of that Nature, that he took all imaginable care in reference to his safety; and being fully secure as to any hurt he might do himself, was only apprehensive and jealous of what might be attempted upon him by others, and was accordingly solicitous how to prevent it. And therefore he had the very day before his Murder, appointed his Servants to bring up out of the Country, several Vessels of Silver, necessary for the preparing and dressing of Victuals, with an intent to have them brought into the Tower, not so much because he would have his diet provided and prepared by his own Cook, by reason of being curious in what he eat; but because he was jealous of his safety, whilst his Meat was made ready by any of the Officers of the Prison, and was not without suspicion that some violent and illegal means would be used towards his destruction. Nor is it unworthy of our further remark, that he was so far from having abandoned himself to despair, or having entertained the least thought of being his own Executioner, that the very day before the perpetration of the barbarous and horrid Fact upon him, he had ordered a considerable quantity of the best sort of Wines to be bought, and brought into his Lodgings for his own drinking, resolving out of a regard to his safety rather than his Health, to taste none that was sold in or about the Tower. And whereas he knew that they had no intentions at court of bringing him to a Trial, nor indeed could, having but only one Person that pretended to be a Witness against him, he had accordingly appointed the providing such a quantity for him, as would have sufficed some Months for his own drinking, till he could have been delivered in a due course of Law. Nor can unbiassed and impartial Men, make any other inference and deduction from these circumstances, than that the Earl of *Essex* instead of having designed any violence upon himself, was only suspicious of what might be attempted against, and perpetrated upon him by other hands.

But if we will allow our selves leave to observe, what *Ends* the violent death of that Earl hath been improved unto, and what designs his Majesty's Justices and Ministers hath studied to serve by it; we shall both let our selves and the World into a fuller view and knowledge of this Hellish Mystery of Darkness, and be able to detect the Contrivers of it, and by whose encouragement and Authority, that excellent though unfortunate Person was brought to an untimely and bloody Death. In order whereunto we are to recollect, how that after diverse Contrivances and Essays of involving Protestants in *Sham*-Plots, against the Person of the King and the established Government, they were at last possessed of a pretence of a Conspiracy of this Nature, and had furnished themselves with some Witnesses, who un-

dertook the swearing the best and chiefest Men in the Kingdom, into a Conjuraton for levying War and destruction of his Majesty. But being conscious that their Witnesses were not of a reputation to win belief to what they had prepared in charge against the principal Patriots of our Religion and Laws, they resolved to Murder the Earl of *Essex*, (being one of those they had committed, upon an Accusation of being guilty of that pretended conspiracy) and then to give out, that he had destroyed himself, from the shame and horror of being concerned in so treasonable a design. This they judged to be the most effectual way to support the credit of their Witnesses, and gain over the Nation to give Faith to the Truth and Reality of the Plot. For as his Majesty's Ministers knew what infamous Persons most of the Witnesses were, and how far from deserving that any thing should be received upon their Testimony; so they were very sensible that the generality of the Kingdom, were not over-inclinable to believe a Protestant Plot, there having been so many endeavours before, of imposing upon them in this way and kind. This was the design in order to which the Murder of this honourable and innocent Person was contrived and resolved, and to this end did the *Attorney-General* and my Lord *Chief Justice* with all the Eloquence and Artifice, as well as all the Malice they are Masters of, endeavour to make it useful and subservient. *The Lord of Essex being committed to the Tower for the Plot, and killing himself there, was more (says the Attorney-General) than a thousand Witnesses to open the Eyes of the People, and confirm the belief of the Conspiracy.* * *There was Digitus Dei in it, (says my Lord Chief Justice Jeffreys) and enough to satisfy all the World of the Truth of the Conspiracy, that the Earl of Essex being Conscious of the great guilt he had contracted in being concerned in it; did rather than abide his Trial, and for the avoiding the methods of Justice in his own particular case, destroy himself.* The improvement of the Murder of that Noble Peer, to the establishing the belief of a Plot, gives no small ground to suspect who were the contrivers of his Death, and upon what design they did first Assassinate, and then endeavour to cast and divert the infamy and guilt of it upon himself. But I hope they will from their own ways of Argumentation, allow us the liberty of inferring, that in case my Lord of *Essex* was not *Felo de se*, that then there was no such Protestant-Plot as they have filled the World with the noise of, seeing the only motives upon which they suppose and alledge his having committed that unnatural Fact upon himself, were the reproach and horror of that Conspiracy. Nay we doubt not, but that all the honest and disinterested part

B

of

* *Bradden's Trial* p. 3. *ibid.* pag. 63.

of Mankind, will upon Conviction of their having destroyed that innocent Gentleman, become fully satisfied, that there hath been no such Treasonable Combination, as his Majesty's Ministers have endeavoured to impose the belief of, upon the Nation; but that all is Court and Popish Sham, and only devised and framed for subverting our Liberties and Religion, by cutting off those that had the integrity and courage to espouse the Protection and Defence of them.

And as the End whereunto the unnatural Death of my Lord *Essex* is applied and improved, shows by whom it was contrived and effected; so the *Timing* of that Murder, does further Evidence and Demonstrate, where the guilt of it ought to be charged, and what service it was calculated for the promoting off. For as if it had not been enough to Murder One innocent Person, in a way of the most *barbarous violence* imaginable, they resolved to adjust it to such a juncture of time, as that it might serve to facilitate and compass the ruine of *another* Noble Person, in the way of their *Legal Forms*. And therefore, no sooner was my Lord *Russel* entred on his Trial for Life, upon an Indictment of being guilty of that pretended Conspiracy for which the Earl of *Essex* stood committed, but they Assassinated the *One* in the *Tower*, and immediately dispatched away the news of his having Murdered himself, to the *Old-Baily*, thereby to amuse and prepossess the *Jury*, and byass them to Convict that *Other* Virtuous, Noble and Innocent Person. And with what satisfaction in themselves, as well as Malice and Artifice against the Prisoner at the Bar, did his Majesty's Council lay hold on the tidings, and apply them towards the begetting a belief of the guilt of that admirable Person who stood then arraigned, and whom they were at that very time haranguing and pleading out of his Life. As if it had not been enough to impress the Minds of a *Jury* sufficiently prejudiced, and which to all Mens knowledge was grossly partial, for the *Attorney-General* to say, * *That my Lord Russel was one of the Council, for carrying on the Plot with the Earl of Essex, who had that Morning prevented the Hand of Justice upon himself.* St. George *Jeffreys* comes after him, and adds in the winding up the Evidence to the *Jury*, just before they went from the Barr, and without all doubt the better to mould and determine them to find the Arraigned Person Guilty, † *That there was nothing could be said in favour of my Lord Russel's Innocency, as to what he was accused of, but what might be more strongly alledged in behalf of the Earl of Essex, who nevertheless from a Conscience of being guilty of that desperate Conspiracy, had brought himself to an untimely end, to avoid the methods of publick*

lick Justice. Yea, so evident was it to all impartial Persons, who were then present at the Trial, that the Murder of the Earl of *Essex*, was not perpetrated by himself, but by others, and that it was timed and adjusted to that season, in order to the influencing the Jury to give up my Lord *Russel* with the more ease, as a Sacrifice and Victim to the rage of the Court; that a very noble Lord, who was always in the Interests of *Whitehal*, and who was then very zealous in the prosecution of those accused for the Plot, being at that time on the Bench, did upon the hearing of my Lord of *Essex*'s death, and who were then walking in the Tower when it fatally fell out, and upon observing with what diligence, care, and artifice, the news was brought into Court, as my Lord *Russel* was at the Bar, and how the King's Council thereupon acted their parts, rise up in great consternation from the Bench where he sat, and pulling his Hat over his eyes, press'd out of Court, saying he plainly saw the bottom of the Business, and all the Mysteries wrap'd up in it. And indeed such influence and success had the news of the Earl of *Essex*'s having murder'd himself, from the shame and horror he was under, for being concern'd in the Conspiracy whereof my Lord *Russel* stood then arraign'd, that divers of the Inquest have confess'd and acknowledged, that the report of the Earl's death, especially as improved and managed by the King's Council, had greater power over their Minds for the convicting him, than all the other Evidence which was given, and that they do really believe they should never have found him guilty without the intervention of that fatal stroak, and the crafty application which the King's Council at Law made of it. But so far was the Earl of *Essex* from entertaining any forgoing thoughts of murdering himself, or from calculating the perpetration of it to that unhappy season, that the very day before my Lord *Russel*'s Trial, (being also the day before his own Throat was cut) he gave private directions to his Steward, to place himself with all the conveniency in Court which he could at the said Trial, the better to take the Evidence in short hand, instructing him withal how he might afterwards convey it to him for his perusal, and to be made use of as he should have occasion. And as the Earl of *Essex* was a person of that Sedateness, Honour, and Vertue, that no rational or good Man can believe he would commit so horrid a crime upon himself; so such was the entire friendship between him and my Lord *Russel*, that we must renounce common sense and reason, before we can admit that the Earl of *Essex* would be guilty of so heinous an injury to his dearest and best Friend, as to calculate and adjust the murdering himself to such a season, which he must needs know would be too probable a means, to derive the destruction of a person whom he infinitely valued and loved after it.

Having now shewn the end unto which the murder of this incomparable Earl was designed and adapted, and the improvement which was made of it, not only through endeavouring to establish thereby the belief of a Protestant plot in general, but to compass and facilitate the ruine of that Religious and Noble Person, my Lord *Russel* in particular; we shall as a further inducement to persuade and convince the inquisitive part of Mankind, that some about *St. James's* and *Whitehal* were the Contrivers and Authorisers of that barbarous assassination, lay open and unfold the motive and pique upon which it is done, and what it was which gave the original rise to some Mens implacable malice against that Loyal as well as Vertuous Person. And as it cannot be denied but this late noble Earl had received Titles of Honour, and Places of trust, Interest and advantage from his Majesty, so it will be acknowledged that not only his Father but himself, had laid all the Obligations upon the Crown, which it was possible for Subjects in way of Acting or Suffering to do. Nor is it less evident, that notwithstanding both the Father my Lord *Capel's* laying down his Life for *Charles* the First, and the English Monarchy, and his Son *Essex's* manifold Sufferings and Services for *Charles* the Second, and the Royal Family; yet this honourable Person, instead of quietly possessing any longer the just Rewards of his Own and Father's Merits, or enjoying any more the wonted signs of his Prince's Favour, was not only debarred from, and deprived of the Respect and Confidence which his Majesty had used to shew him, but was become the Object of the Duke of *York's* implacable hatred, and boundless malice. For tho' the Earl of *Essex* was a Person, whom nothing could corrupt from his Loyalty to the King and the establish'd Government; yet he was also a sincere and zealous Patriot of the Laws and Liberties of the Kingdom, and a courageous Defender as well as Owner of the Protestant Religion. And as he was none of those mercenary, base, and timorous Lords, who would either connive at, or concur in the Introduction of Slavery and Popery; so he was one of the principal of those Heroick and generous Peers, who had been active in detecting the Popish Conspiracy, and who had laboured with the greatest industry to prevent the effects of that hellish Conjuraton of the *Vatican*, *Louvre*, and *St. James's*, for the extirpation of the Reformed Worship, and the subversion of the ancient Laws and Privileges of *England*. And as he was known to understand more of the nature and extent of the Popish Conspiracy, and who were concerned in it, and to what degree, than most persons in the Kingdom either were, or ever had opportunities for; so nothing can be more certain, than that as hereby he became the most dangerous Man in the whole Nation

tion to the Papists, but that he must consequently be the most special object of their Jealousie, Fear, and Hatred. For as his publick Station in *Ireland*, as well as his having been long a Member of his Majesty's Privy Council in *England*, furnished him with manifold advantages, which others wanted, of knowing the tendency, and penetrating into the bottom of all the Designs and Councils which have been carrying on against our Religion and legal Government; so his scorning and abhorring to sacrifice his Conscience and Honour, by either falling in with the Conspirator's, or by avoiding to withstand and oppose them in their Attempts for the Introduction and Establishment of Popery and Arbitrariness, made them to think of all ways and means how to destroy him. And besides these forementioned Advantages which he had above other Men, of all knowing the demensions of the Popish Plot; he received no small accession of light in that Affair, by having been always a Member of those secret Committees, which had the Examination of Persons, and Inspection of Papers, concerning that devilish Conspiracy. Nor was the Earl insensible of the danger he was in, upon this account, and accordingly was wont sometimes to say to his intimate Friends, That as generally all the Papists, and more particularly such of them as make the greatest figure in the Kingdom, dreaded him by reason of the detection he was able to make of their horrid Machinations; so he could not be without apprehension, but that they would seek to destroy him in order to prevent it. Alas, poor *Essex*! thy respect to some whom I forbear to name, made thee wanting to save the Nation and thy self, by revealing that while we had Parliaments, the knowledge whereof would have been a means to have prevented our ruine; and as thou art now ill rewarded for thy tenderness to those ungrateful Men, so we are at once unhappily robb'd of the great Instruments that could have unmasked Persons and Things, and denied Parliaments, from whose legal Authority, as well as united Counsels and Wisdom, we can only, under God, hope for the preservation of *England* from becoming the Seat of Popery, and the Theatre of Tyranny. Nor ought it to seem strange that the Malice of the Papists, and of those who have conspired against our Rights and Privileges, should transport them to that measure & degree of rage, against a person who had not only faithfully served his Majesty and the Crown, but from whom they could expect no opposition, but what was founded in the Authority of our Laws, and promoted in a Parliamentary way, and which the King himself is bound by his Oath, as well as the Duty and Trust reposed in him, to second and give countenance unto. For besides divers Gentlemen of that Temper, and Character, whom they have destroyed or condemned by and
under

under a form of Law, but indeed contrary to all the Laws of the Land, and against the worst Presidents, even in the most absolute and despotical times; there may be several Gentlemen mentioned whom they have cut off without the form of any process, merely because they either thought themselves prejudiced and withstood by them in their designs, or were afraid of them, by reason of the discovery which they were able to give of their Conjurations against the Kingdoms, and of the Villanies they had committed in subserviency to the establishment of Popery and Tyranny. For not to mention either the Condemnation of that most honourable Person the Earl of *Argyle*, nor the Condemnation and Execution of that gallant Gentleman Colonel *Sidney*, nor the late barbarity used against their ancient Servant Sir *Thomas Armstrong*, all which were directly repugnant to the Laws of the respective Kingdoms, and contrary to all proceedings in other criminal and capital Cases: Were not my Lord *Lucas*, Sir *Robert Brooks*, and Sir *Edmundbury Godfrey*, without being so much as arraigned or accused, murdered by them, only because they either found them opposite to their Romish and Arbitrary Designs, or knew them capable of revealing their hellish Counsels and Actions against the Nation, the Established Government, and the Reformed Religion? What Family in *England* had done or suffered more for Monarchy, and for his present Majesty as well as his Father, than that of my Lord *Lucas*? Some whereof had sacrificed their Lives, and all lost their Estates and Fortunes, upon the alone score and account of their Loyalty; and yet notwithstanding all this, my late Lord *Lucas* could no sooner declare his jealousy concerning the entrenchments which were making upon the Laws of the Land, and with zeal and courage avow his Integrity in the Protestant Religion, and his resolution to assert by all legal ways, the ancient Rights and Privileges of *England*, but the Conspirators against our Religion and Laws, contrived and resolved the death of that worthy Patriot, and found means to poison him by suborned and hired Instruments. And for Sir *Robert Brooks*, though he had not been called to that service for the Crown, nor had the misfortune to suffer in that degree for the Monarchy, which the former noble Person had; yet he was never wanting in Loyalty to his Majesty, but always served him with faithfulness in his Capacity, and upon all occasions expressed the utmost readiness to maintain and promote the Greatness of the King, and Honour of the Throne: Nevertheless that worthy Gentleman had no sooner ravelled into the Burning of *London*, and traced that execrable Deed to St. *James's*, which as Chairman of the Committee, that was appointed to inspect and search after the Authors of that dreadful Conflagration, he had, both
occa-

occasion and was justified by his place to do; but the *Romish* Faction who had perpetrated that horrid Villainy, took up a resolution to cut him off, partly in revenge of his Zeal and Service to the City and Kingdom in that matter, and partly to discourage others from meddling in a point which so nearly touched some of the greatest, as well as to prevent the publication of the researches and discoveries he had made. And whereas *Sr. Robert* upon an entertainment of Apprehensions and Jealousies in himself, as well as upon the warnings and informations he had received from Friends, of a design against his Person and Life, did on the Prorogation of the Parliament, withdraw the Kingdom to avoid their fury; yet these implacable and blood-thirsty Men, who never pardon either those that actually have, or are in a capacity to injure them, hired Assassins to dogg and pursue him, whithersoever he went; who at last taking him at an advantage, drowned him in a River, where he was about to wash and refresh himself. And for *Sr. Edmundbury Godfrey*, all that are not wilfully and perversly ignorant, are so fully instructed both of the barbarous Murder committed upon that Gentleman, and from what Motives and Inducements, and by whose countenance and Authority he was Assassinated, that I shall not trouble my self or the Reader by enlarging on that Villainous Fact, which we have hitherto wanted the courage to make a Person at *St. James's* answer for. Upon the whole, it can be no surprize to thinking and observing Persons, to hear that the Earl of *Essex*, was, by the Authority of the Duke of *York*, Murdered and Assassinated; seeing it is no more, than what he and our Arbitrary and Popish Ministers, have practised upon several others, whose opposition, power, wisdom and interest, they did not so dread and apprehend, as they did the Zeal, Courage, Integrity, Prudence and Figure, as well as Esteem in the Kingdom, of that truly Great and Honourable Peer.

As the *Topicks* which we have already insisted upon, administer sufficient ground to believe, that the Earl of *Essex* did not Murder himself, but was villainously Assassinated by others; so it is rendred more plain and evident from the *Reports* which were spread abroad, both of his Death and the manner of it, before that barbarous Fact was committed, or at least before the Fame of it could reach the places where it was told and related. It hath been always esteemed a rational ground of accusing the *Spaniards* and *Jesuits*, of the Assassination of *Henry* the Fourth of *France*; * that the news of his Death was not only reported in *Spain*, *Millan* and *Flanders* some days, if not weeks, before the miscreant *Raviliack* gave him the fatal stab, but because a *Courier* passing through *Luxemburgh* both related the News
of

* See *Mexeray's* Life of *Henry* 4.

of his Death, a Week before he was Murdered; and had the impudence to declare that he was carrying the Tidings of it to the Princes of *Germany*.
 * The Committee of Parliament that had the examination of the burning of *London*, Anno 1666. judged it no small Evidence that the City was burnt on design, and through the treachery of the Papists, that the news of it had not only been reported in divers parts of *England* before that fatal conflagration fell out, but written from beyond Sea as the discourse which the *Jesuits* entertained their Favourites and Privado's with. Nay it was both one of the first means of discovering by whose contrivance *Sr. Edmundbury Godfrey* had been Murdered, and was also urged, and allowed upon My Lord *Stafford's* Trial, as a proof of the Papists being guilty of that Assassination, that the news of *Sr. Edmund's* being killed, was related sixty or seventy miles off in the Country before it was known at *London* what was become of him. Nor indeed can it be imagined how matters of Fact, should come to be told, before they are acted or committed, but by granting that such things were resolved upon and designed, and that they came to be vented and talked off, by reason of the blabbing humour either of some Persons accessory to the Contrivance, or entrusted with the knowledge of what had been agreed unto, and determined in more secret *Cabal's*. So that we may rationally hope, the ingenious part of Mankind will esteem themselves much enlightened in reference to the manner of the Earl of *Essex's* Death, and enabled to conclude who were the Contrivers and Perpetrators of the Villainous Assassination of that renowned Person, if we represent unto them, with all the distinctness we can, the Reports which went of it, both in City and Country before the Commission of the abominable Fact, or at least before the tidings could reach the places where it was spoken and discoursed. Nor will it be unfit to begin with that, which a Woman of Quality hath related to divers Persons, and which she is ready to swear in the presence of any Magistrate when called thereunto; namely that being the day before the Earl of *Essex's* Death, bestowing a visit upon some of her acquaintance, and there happening in that conversation, a discourse concerning that unfortunate Gentleman *Sr. Edmundbury Godfrey*, who because of the intelligence he had received from *Coleman*, as well as the Deposition made before him by *Dr. Oats*, about the Popish Conspiracy against the King and the Government, was barbarously Murdered, Anno 1678 a Gentleman then in Company took the freedom and boldness to say, *That there would appear on the Morrow, another Sr. Edmundbury Godfrey*. This though the Lady could not at that time fathom & comprehend, yet being surprized with the expression

* See the Information exhibited to the Committee of Parliament, p 5 c. 13.

sion, she related it to her Sister, that evening when she came home. And upon hearing the next day that the Earl of *Essex* was murder'd, and how it was reported that he should have cut his own throat; the poor Lady, tho' strangely alarm'd with the news, could not but immediately make this reflection, that what she had look'd upon over night as a parable and mystery, was then decyphered and unriddled, and that the Earl must needs have come to that untimely end, by the treachery & villany of others. To this we shall subjoin what Mrs. *Mewx*, a Gentlewoman who also lives in *London*, was ready to depose upon Oath, relating to a previous report of this nature, at Mr. *Braddon's* Trial: For being on Thursday the 12th. of *July* (which was the day before my L. of *Essex's* death) travelling with her Daughter in a Coach from the City down to *Berkshire*; she is ready to swear that her Daughter then told her how she had heard it reported, That one of the Lords committed for the late Plot, had cut his throat in the Tower. Which fully evidenceth, that there was a discourse not only of his death, but the manner of it, antecedently to his fatal and tragical end. But the Daughter being with Child, and near her time; and therefore not daring to venture abroad, much less into the Court at Mr. *Braddon's* Trial; my Lord Chief Justice would not suffer the Mother (tho' she was there and sworn) to be examined, alledging, that because she could not depose on her own knowledge, but only on the report of her Daughter, it was no evidence, and therefore against all judicial forms to admit it. But as Mr. *Wallop* well replied, * *It was evidence there was such a talk* previous to my Lord of *Essex's* death; so I may add, that by consequence he did not murder himself, but was assassinated by others. Nor was it only in and about the Town that my Lord of *Essex* was reported to have cut his throat, at least a day, if not more, before he came to his untimely end; but the same was discoursed of at a considerable distance in the Country, and related after the same manner, and with the same circumstances; for one Mr. *Fielder*, a Shopkeeper in *Andover*, a Town removed from *London* above 50 miles; positively swears, That it was talk'd there the 11th. and 12th. of *July*, that the Earl of *Essex* had cut his throat in the Tower, whereas he was not kill'd till the 13. nor could the news arrive so far in the ordinary way of conveying Intelligence, before the 14. And the said Mr. *Fielder* further avers, that this was so commonly discoursed of from *Wednesday* night, till *Friday* noon, that he fully expected the confirmation of it by the Post letters, which were to arrive that day. But finding no mention in those letters, of any such thing, tho' they all agreed in the relation of the E. of *Essex's* commitment to the Tower, he concluded

C

there

* See *Baddon's* Trial, p. 43.

there could be no truth in the report, but withal wondred how such a thing came to be talk'd of. And therefore when the certain news of my Lord's death was brought to *Andover* about Saturday noon, by some Clothiers that came out of *London* on Friday at twelve of the clock, he could not but be amazed at the report, which had been current among them two days before. But my L. Chief Justice was pleas'd to ridicule all this, when it was depos'd at Mr. Braddon's Trial, * as a contrivance to deceive the King's Subjects, & to set us together by the ears; stiling it stuff, rak'd out of Dung-hills, and pick'd up on purpose to kindle a fire, and set us all into a flame. But can his Lordship think that his blustering, his impudence, and the huffing the World with foaming wrathful speeches, are enough to take off the positive testimony of an honest and credible Person, and who had spoken of this report long before he thought any improvement would be made of it. Nor is it sufficient to blast the Reputation of the Man, or detract from the Truth of what he swore, that he could not particularly name the persons that had reported it, because as he never expected to be called into question about it, so he had no occasion to recollect it, till he was served with a *Subpœna* to appear at Mr. Braddon's Trial, which was above five Months after the time of the said talk and discourse. And besides, how many things are there, which a publick Shop-keeper, as this person is, may hear his Customers speak of, which he would be oblig'd to give an account of the Authors of, at a Week's end? Nay, by how much a report is common, (as he says this was at *Andover*) by so much are we apt to neglect by whom it hath been particularly related. And the more our Understandings are struck with the horror of a matter declared to us, the less do we advert by whom it is spoken, and the more unprepared are our Memories to treasure up the names of the reporters. Nor was it at *Andover* only, that it was reported the Earl of *Essex* had cut his throat, the day before he was killed; but the same story, and cloathed with the same circumstances, was discours'd of before his death in divers other places. For I am not only credibly inform'd, that the Earl of *Essex*'s having cut his throat, was reported on Thursday, being the day before his death, at *Wormister* in *Wiltshire*, which is distant from *London* about eighty miles; but there is one *Thomas Cox*, who lives near *Birmingham*, that did positively declare, that the same was told him in that Town, the 12th. of *July*, whereas my Lord was not killed in the *Tower*, till the 13.th. And besides all this, to evidence a report of that noble person's being murder'd, previous to the commission of the fact; there are too Informations more delivered upon Oath at Mr. Braddon's Trial, one by *Jeremiah Burgis*, that lives at *Marleborough*, who

* Bradd. Trial, p. 38, 39.

who swears that he heard it at *Frome*, a place 90 miles from *London*, the very day that the Earl of *Essex* died; and another by one *Lewes* that lives at *Marleborough*, who deposes that being riding on the road within three or four Miles of *Andover*, on Friday in the afternoon, the same day that the Earl of *Essex* was Murdered, he was told by a Person whom he fell in with on the way, that the said Earl had cut his Throat in the Tower. And notwithstanding all the Affronts and Discouragements put upon those two witnesses whilst they were giving their Testimony, and notwithstanding all the scorn and contempt wherewith * *S. George Jeffreys* endeavoured to expose and ridicule what they deposed; yet I dare venture their informations upon the Faith of all indifferent and ingenious Men, whether they do not abundantly prove, that there was such a Report spread abroad antecedently to my Lord of *Essex*'s Death, or at least before the tidings of it could reach so far, as that he had cut his Throat in the Tower. Only I shall crave liberty to make two or three reflections on these Depositions, and they shall not only be natural and easie, and far from being wrested and extorted out of what was said, but they shall be such as must necessarily beget and strengthen a belief that my Lord of *Essex* did not Murder himself, but was through the Contrivance and Malice of others, barbarously Assassinated by the hands of Russians and execrable Villains. And the first is, That it ought to be reckoned as a Wonder, and ascribed only to the over-ruling Providence of God, that will not suffer a crime so hateful to Heaven, and so ruinous to Humane Society, to fall out without leaving some prints and footsteps by which it may be traced and detected, that a Crime so enormous in it self, so provoking and exasperating to Mankind, and which the Authors of, and Actors in, would be loath to bear the ignominy and undergo the punishment that so horrid a guilt subjects them unto, should be communicated to so many and so commonly talked of before the Fact. But by how much Revenge is one of the sweetest Passions, and most grateful to depraved Natures, by so much hath it a Power and Vertue in it, to cause to Men open and unbosom themselves, from the satisfaction which it yields, and the delightful guilt that it affords them. And though the Papists were at that time exceedingly transported with joy, partly through their having sham'd a Plot upon Protestants, which they supposed would extinguish the remembrance of their own, and partly from the hopes they had, of appeasing the Ghosts of their Tyburn Martyrs, with the blood of *English* Hereticks; yet they could not but be uneasy in their Minds, to think that the Earl of *Essex*, whom they so peculiarly hated, and whose ability to unmask their designs,

* See *Braddons Trial* p. 37, 49, 50, 51.

signs, as well as interest in the Nation and resentment for being committed, they so much apprehended and feared, should be able to escape their hands; through want of Evidence against him, which made it needful for the Heads of the *Romish* Faction, to let their little clamorous and talkative Votaries know, how they had resolved to use and employ Force and Violence for the destruction of that so much dreaded Enemy, whom mercenary Judges and suborned and picked Juries, would not serve to cut off in the way of Legal and judicial Forms. Nor is it improbable, but that the Contrivers of this Nobleman's Death, might have resolved the Execution and Commission of the Fact sooner, and that the reason of adjourning it, was to adjust it to the season of my Lord *Russel's* Trial, thereby to make the Murder of the one, subservient and useful to the death of the other; but that those acquainted with the first Resolution, had from a forwardness of obliging their Friends, too hastily given them intelligence of the thing as already done, when it was not as yet perpetrated nor committed, by reason of the latter Resolution. The second observation I would make upon the forementioned reports is, that though they were vnted by several Persons, yet they not only agreed in the matter of the Earl of *Essex's* Death, but they accorded also in the way and manner of it, namely that he had cut his Throat. Which plainly shows that it was not vulgar Tattle vented at random, but that it had its foundation in a previous and fixed resolution that he should undergo that unhappy fate. Nothing but a steady and determinate cause, can produce a steady and determinate effect. Had the report taken its rise in the jealousies of his friends, or owed its birth to the fearful apprehensions of the common People, they would have rather dream'd of his being poison'd, as being more safe for the Actors to perpetrate, and requiring the accession of fewer hands, than have ever imagined that his Throat should be cut. It is impossible to conceive that the Reports of so many several Persons, should not only agree in the matter of his death, but all harmonize and center in the very circumstance of the manner of it; unless it had originally proceeded from such as had contrived and determined both the Murder itself, and the way wherein it should be committed. For when Reports have their foundation only in Mens fancies, they will always vary according to the different tempers, Passions and Complexions of the Reporters. The third Deduction which I would infer from the premised Reports, is that they could not be fictions and forgeries of Lyers and People *Romantically* disposed. For how could so many Persons, and at such distances from one another, and betwixt whom there was never any correspondence, agree and combine together to impose upon the World; and to abuse the Faith of Mankind? And as they all seem

to

to be Persons who abhor tricks, and who would not be guilty of spreading, much less of raising a false Report; so it is beyond the wit of Man to declare, how it should come to be the interest of *Gentlemen*, and *Country Tradesmen* to be the Authors of such a Story, that my Lord of *Essex* had cut his Throat, before it was done. And for any to imagine that the *Fanatics* were the framers of it, is to represent them not only Wicked but Foolish, and to suppose they would misserve themselves, as well as slander and reproach their noblest and best Friend.

And what clearer Evidence, or greater confirmation can there be, of the Earl of *Essex*'s not having been *Felo-de-se*, but treacherously murdered by others, and that they who were the Authorizers of that horrid Assassination, are Persons of great power and interest at Court; then that there have been Letters sent, and Proposals made to some Noble Lords near the King, that his Majesty will but grant a Pardon to two or three Men, who shall be named when that Grace is indulged, and that then the whole Intrigue and Mystery of that Hellish Contrivance shall be discovered, and the contrivers as well as perpetrators of it particularly detected, with a full account of all the circumstances of its Execution. 'Tis true I dare not affirm, that those Letters have been shew'd to his Majesty, or any intercession used with him in pursuance of that overture and proposal; but this I may justly say, that if they have neglected it, they must needs either know or suspect, that there are Persons of too great Power as well as Quality, interested and concerned in that execrable Villainy. For we can suppose no other motive, upon which Men of Honour would decline a service so acceptable to God, and whereby they might avert Wrath not only from the Throne and Kingdom, but from their own Persons and Families, through bringing enormous offenders and execrable Assassins to punishment. But alas! that apprehension they are under, of deriving trouble and destruction upon themselves, instead of being able to expose the Malefactor to Justice, frightens them from the discharge of that duty which they owe both to God and Men. The having heard what the Duke of *Tork* should say in reference to Mr. *Braddon*; namely, *That he was travelling into such a business, but that he was resolved so to ruin him if all the Law of England would do it*; makes every Man afraid as well as sensible what he may encounter if he have the boldness to interest himself in this affair. O degenerate off-spring of brave and heroick Ancestors! Were it not much more eligible to run a hazard by acquitting your selves as Persons of Honour in discharge of your duty, than to seek for safety by involving your Persons and Posterity, under the guilt of that abominable and villainous Fact. And besides, can they otherwise hope, than that through conniving at so horrid

rid-

rid a Murder committed upon another Person; and one who was of a rank and condition equal to themselves, they shall at last undergo the same or the like fate, whensoever they have the unhappiness and misfortune to fall under the wrath of a certain Gentleman at St. James's. But over and above the two Letters that were sent to Noble Persons very near the King to be communicated to his Majesty, there was another Letter addressed to the Countess of Essex, and in order to the being conveyed to her Ladyship, directed to be left with one Mr. Cadman a Bookseller in the New Exchange in the Strand; the tenor whereof was, *That if her Honour would prevail with the King for a Pardon, to one that would discover how my Lord came by his Death, or obtain of his Majesty a Proclamation, assuring forgiveness to any who should come in and detect by whom and after what manner my Lord was murder'd, that upon either of those securities, the way of the Earl of Essex's Assassination, should be revealed, and laid open with all its circumstances.* This Letter was in August last brought by a young woman to Mr. Cadman's Shop, who finding him sleeping on the inside of his Counter, told him that she had brought him a Letter directed to my Lady Essex concerning my Lords Death, which she desired he would read, being to that end left open and unsealed. But Cadman being drowsie and still inclined to sleep, instead of taking notice what she said, thrust her from the Counter, as an officious and troublesome Person, and commanded her to go about her business. Yet having after his being thoroughly awake, both perused the Letter, and considered the importance and consequence of it, he judged himself in prudence obliged to carry it to a Magistrate, which accordingly he did to one *Hinson* a Justice of Peace in Covent-Garden, who as I have been credibly informed went with it to one of the Secretaries of State. This Letter as is most justly conceived was written by *Bomby*; forasmuch as he not only seemed about that time to be under some Remorse in reference to the Death of my Lord, but because some of *Bomby's* hand-writing being shewed to Mr. Cadman, it appeared to him according to the best of his remembrance and judgment, to be the same hand, or at least very much like to that which the Letter was written in. Thus much is plainly evident, that it must have been written by one that was willing to be known, seeing it was both sent open, and by a Person that was able to declare of whom she had received it. For had the writing of this Letter been only a contrivance to avert the infamy of my Lord's death from himself, and deliver those Gentlemen accused for the Plot, from the consequences unto which the Earl imagined murdering himself, was improved against them; it would never have been left unsealed for Mr. Cadman to read, nor sent by a Person that was acquainted

quainted with the Contents of it, as it plainly appears the Bearer was; but would both have been sealed, to prevent *Cadman's* looking into it, and conveyed by a Porter, or some such hand, that would have been less liable to be question'd, either about the contents, or the Author of it. Nor do's any thing more amaze and astonish thinking People, than that notwithstanding the many Reports, as well as universal Jealousies, of my Lord of *Essex's* being murdered in the *Tower*, yet at this time his Majesty hath not published one word to encourage an inquisition into the manner of his death, or to secure a Pardon to such as shall be able to discover whether he was assassinated, & by whom, and after what manner he was brought to an untimely end. For considering the Obligations which the King and the Royal Family lay under to the late Earl of *Essex*, as well as to his Father my Lord *Capel*, and considering the many aspersions thrown upon the Court in relation to the death of the said Earl; it hath been expected that his Majesty, as well in justice to the Family of the *Capel's*, as in vindication of his own Honour from the infamy of having a Person of my L. *Essex's* Merit and Figure, assassinated in his Majesty's Prison and Palace, would have issued out a Proclamation, ascertaining forgiveness to any that should be able to prove his being murdered by others, & that he did not destroy himself, as some people have been industrious to give out. And that which increaseth the surprize and wonder, is the consideration of the forwardness which the King hath expressed in some other Cases, for the detection of Murders of this nature: For besides the tender of a Pardon, there was the promise of 500*l.* to any who should discover the murder of Sir *Edm. Godfrey*, and reveal the miscreants by whom he was assassinated. And I would be loth to think, that his Majesty's proceeding so differently in that case, from what he hath done in this, was rather to be ascribed to his apprehensions of a *Parliament* which was then in being, than to his love of Justice, or the desire of delivering the Nation from the guilt of innocent Blood. But I am willing to believe, that the reason why the King doth not encourage the discovery of this late murder of my L. of *Essex*, ariseth from the fear he is in of the persons that were accessory to it: For in case he would authorize the detection of the Assassins of this noble Earl, he will find himself obliged, not only to bring the E. of *Sunderland*, and my L. *Feverham*, but his Royal and dearly beloved Brother, *James D. of York*, to punishment. And who knows but that he dreads lest in calling these Gentlemen to account for cutting the Earl of *Essex's* throat, he too much hazard & expose his own? Nor is at all surprizing, that the K. who had not the courage to resent the poisoning his own Sister, by her Husband the D. of *Orleans*, at a juncture when he might have made *France* feel the effects of his Justice and Displeasure; should not have the bold-


boldness to question his Brother, and other principal persons of the Popish Faction, for the assassination of *Essex*, especially at a time that he hath divested himself of all Power to hurt them, and by seeming offended, may only stir up their wrath against himself: For I remember, that when the late *Sis Thomas Armstrong* had come post from *Paris*, to give his Majesty an account how *Orleans* had poisoned the Prince *Henrietta*, that he only replied, *Orleans is a Rascal; but pray thee, Tom, do not speak of what he hath done.* Yet that his Majesty may not excuse himself hereafter from causing further Inquisition to be made after my Lord of *Essex's* death, by saying he never heard otherwise but that he murder'd himself; I do therefore tell his Majesty, and publish to all the World, That if he will grant an Indemnity and Protection to three or four persons, we shall fully and evidently prove the Duke of *York*, the Earl of *Sunderland*, my Lord *Feverham*, &c. to have been the Contrivers and Authorizers of it, and shall name the Russians in particular, who were employ'd to perpetrate the hellish and execrable Fact, with an account of the several sums of Money which they had for the execution of it. Nor ought his Majesty to be displeased, that I arraign his Brother and principal Ministers of so enormous and bloody a crime; for as I write nothing but what I can fully justify, so I take the boldness further to tell both him and them, That if ever there come a Parliament in *England*, this matter shall be laid fully open, and Justice demanded against these impudent and enormous Offenders.

And, as if it were not enough to evidence the E. of *Essex* did not murder himself, but was barbarously assassinated by others, that no encouragement hath been given for the discovery of the Authors of that villainous Fact, notwithstanding all the rumours & reports which have run to and fro, both of the manner of his death, & the actors in it, it receives both a further & a very convincing accession of proof from this, that all means have been us'd to deter Men from enquiring into that matter, & to prevent their detecting what they may know of it. The passages to this purpose would fill a volume merely to relate them; and therefore I shall confine my self to two particulars, which I shall endeavour to deduce & represent, with all the brevity as well as clearness, I can. Nor can it in the first place, but astonish the World, to find the Judges, with whom the administration of Law & Justice between the King and his People, is trusted; I say, to find them contrary both to the nature and end of their Office, & the Oaths they have taken of acting impartially, to brand the meddling in the matter of the E. of *Essex's* death; as a reflection upon his Majesty, an affront to the Government, and a design to involve and embroil the Nation in trouble: For not only the Attorney-General stigmatizeth the report and belief of the Earls being murder'd

by

by villanous Hands; as * the throwing that ill thing upon the Government which he had committed upon himself; but my Lord Chief Justice Jefferys is pleased to stile it a Libelling of it, and to have been forged in order to breed Heart-burnings and Jealousies in the Kings Subjects against the Government, and to raise Sedition. Whereas the Government would never have been charged with this Guilt, tho' some at the head of Affairs might possibly have been accused of it, had not these *Governments* involved the Government under the infamy and aspersion of it, and done all they can to teach others to lay the barbarous Fact at that Door. For as it is not the first time that a Prisoner hath been murdered in the Tower, so it was never till now called a Reflection on the Government, to endeavour to prove that such or such a Person was destroyed by violent and bloody hands, even of whose Death the *Coroners Inquest* had upon their Inquisition given another *Verdict*. Nay, when the chief Favourites of our Princes and first Ministers of State, have been accused as guilty of murdering a Gentleman imprisoned in the Tower, whom the *Coroners Jury* had on their *Inquisition*, declared to have died a natural Death; yet it was not thought to be an Impeachment of the Government, or a devolving the Guilt of that bloody Crime upon the King. Of this we have a famous instance in Sir Thomas Overbury, who being committed Prisoner to the Tower in the Reign of King James, and there poisoned by the contrivance and instigation of the Earl of Somerset, &c. (that was then chief Minister, as well as principal Favourite) was brought in by the *Coroners Inquisition* to have died a natural Death. And yet it was thought no dishonour to the Government, to have the Death of that Gentleman afterwards enquired into, and to find it proved contrary to the *Coroners Inquisition*, that instead of dying a natural Death, he was basely and treacherously murdered by villanous Hands, through the accession and contrivance of him whom he had faithfully served, and with the consent of those to whose care, trust and custody, he was committed. Nay, was it not a great Vindication of the Honour of the Government, and an Eminent Declaration of the justice of the Nation, to have the *Lieutenant* of the Tower, and four or five meaner Persons executed, and the Earl of Somerset and his Countess convicted and condemned for that bloody and barbarous Fact, which the *Coroners Inquest* had acquitted and absolved all the World from the Suspicion as well as the Guilt of. And what an Injury will the Judges of the Kings Bench, and his Majesties Council at Law, be found to have done the King and the Government by their foolish as well as wicked Expressions, that any time hereafter it come to be proved (as certainly it will) that the Earl of Essex did not murder himself,

self, but was assassinated by a company of hired *Ruffians*. We should be loth in that case to claim the right of their way of Argumentation, and to infer that because my Lord of *Essex* was murdered in the *Braddens Trial*. Tower, and at a time "when the King was walking there," that therefore not only the Government ought to be charged with it, but that the King himself had a hand in, and had designed it. Tho' I must say that according to their method of Reasoning, it will be impossible in that case to avoid such a deduction. However it is a convincing proof, that the ignominy and guilt of this Noble-man's death, ought to be ascribed to others than himself, that the Judges and the Men of the long Robe can find no other way to stifle the suspicion and silence the clamour of the People, but by interposing the Government as a screen to shelter Malefactors from Accusation, and abusing the Authority of the Kingdom, to deter Men from the Duty which they owe to God and his Majesty, in discovering so execrable a Murder. Nor is this the only way and method they have taken to frighten and discourage persons, from discoursing of the Earl of *Essex's* being destroyed by others, without any accession or contribution of his own to his death, but they have laid their commands and injunctions upon such as they have power and authority over, and whom they thought conspicuous either to the manner of that Noble *Peers* fatal End, or capable of detecting any circumstances which might let in light upon that affair. And therefore knowing that the *Souldiers* who were upon Duty in the Tower that morning when the Earl of *Essex* was killed, had not only taken notice of several persons, and made observation of divers things, from which both the Murder of that virtuous Lord might be inferred and concluded as well as by whose hands it was perpetrated, but that divers of them had talk'd too freely and lavishly of it abroad as well as among themselves; accordingly on the *Saturday* morning (being that which immediately succeeded to the day of the Earls death) did a Military Officer after *They* and other *Souldiers* were called together, charge them with the highest threats and menaces, that they should not dare to speak of what they had seen or heard the day before, adding that whosoever should be known to divulge what had passed in the Tower on the *Friday* in the forenoon should severely suffer for it. This divers of the *Souldiers* have confessed and related to their Friends, who are willing to testify it when occasion serves. And among others, one *Kohrt*, *Deak* (of whom I shall afterwards have occasion to say somewhat more) declared the whole of this passage to two Men that are ready to swear it, whosoever their Depositions may be of advantage to the publick, and can be made without exposing themselves to ruin. It will not be de-

denied by rational Men ; but that the *Souldiers* who were then upon Duty in the Tower, had advantages of knowing more in reference to the Earl of *Essex's* Death, than most other Persons can pretend unto ; seeing that as some were so posted, as both to see all that went into his Lodgings, and to hear the noise and bustle which was made in his Chamber upon his Resistance, and the force and violence which  Miscreants used towards him ; so others were placed in that manner, as to observe whence and from whom they came, and whither and to whom they returned, that were employed to commit the Hellish and Tragical Deed. Nor can any suspect, that Men who march under the Ensigns of his Majesty, should forge a Story so much tending to the dishonour of the *Duke* and the Kings *Ministers*, and so likely to displease Persons that had power to cashier and otherwise punish them, as this of my Lord *Essex* not cutting his own Throat, but being assassinated by others, was adapted unto, and would infallibly do. Yea, I do affirm with all the sacredness which becomes a Man and a Christian, in a matter of this weight and importance, that this is no Calumny imposed on the Souldiers and their Commander, in order to traduce the Government and enslave the Kingdom ; but that whatsoever is here affirmed, is built upon the greatest Moral Certainty, that an Affair of this nature is capable of. And all I do desire in order to the justifying what I have now related and declared, is only that his Majesty would cause order a *Writ of Review*, or *Messius inquirendum* to be issued out, with an assurance of Pardon to such as shall be willing to come in, and be able to testify by whom, and after what manner this Noble Lord was assassinated and murdered. Nor can his Majesties *Ministers* escape this *Dilemma*, either of lying under the Infamy of being conscious of, and accessory unto the Assassination of that Honourable Person, or of being obliged to obtain a *Review* of this matter, with a promise of *Indemnity* to those who shall appear Witnesses, and be able to give Evidence in the case. And I shall take the liberty further to say, that it is not only the *Duty*, but the *Interest* of those very *Ministers*, who may not be directly concerned in the Guilt of my Lord of *Essex's* Blood, to promote and second this Overture and Proposal, and that not only for the honour of the Government, but for their own Vindication from being accessory to so enormous and detestable a Crime. For the time may possibly come, that their meer connivance at the concealment of this Murder, may rise in judgment against them, and render them more liable to Punishment, than they seem at present to apprehend. Our Law which expressly requires the least Officers in the Common-wealth, to pursue *Robbers*, *Fellons*, and *Murderers*, with *Hue and Cry*, or otherwise makes them obnoxious to Penalties ; never intended that *Privy*

Counsellors, who by the Duty of their Place, are to watch and advise for the Benefit and Safety of the Subject, as well as the Preservation and Honour of the King, should be esteemed Innocent, and not be liable to any Punishment by Law, tho they be found to connive at the destruction of his Majesties People, and at the involving his Person and Government under an indelible Reproach and Infamy. And therefore, tho it cannot be supposed that those of his Majesties *Ministers* who are directly Criminal by contriving and commanding this Murder, should countenance or encourage an Inquiry into, and a Detection of it; yet it may not only be expected, but ought to be claimed of the *Marquis of Hallifax*, the *Earl of Radnor*, my Lord *Falconbridge*, and some others, who have still the privilege of being in the publick Manage of Affairs, and admitted to sit in his Majesties Council; that they would not, both to their own danger and dishonour, as well as the prejudice of the King in his Reputation and Safety, continue to connive at this execrable and barbarous Murder; but that they would apply themselves, as becomes the Duty of their Places, and the regard they ought to have for their own Honour, to obtain of his Majesty what is here desired, in order to the detection of the Assassination of my Lord *Essex*, and the bringing the Malefactors to undergo that Severity which the Justice of the Law subjects them unto.

But, as if the preceding *Topicke* did not administer sufficient Evidence, that the E. of *Essex* was assassinated by others; howsoever, his Memory comes to be branded for cutting his own Throat. There is a further Proof ariseth in confirmation of it from this, That they have not only discouraged and frightened such as might be willing to lay open the whole Mystery of that devilish work of Darkness, but they have beyond all Law and President persecuted and oppressed those who were either found inclined to inquire into the manner of that Honourable Persons Death, or to have vented what they had heard, which might give suspicion of his being brought to his End, by the treacherous Villany of Bloody Miscreants: Nor shall I here enlarge on the Proceedings against Old Mr. *Edwards*, the Custom-House Officer, who, besides his being shamefully upbraided and slandered by my Lord *Chief Justice* at the Tryal of Mr. *Braddon*, was afterwards turned out of his Place, where he had served for 39 Years; and for no other Crime, but affirming his Boy had said, *He saw a bloody Razor thrown out of the E. of Essex's Window, immediately before the noise of his Death*. But that which I shall more largely insist upon, is the Course and Method that hath been steered towards * Mr. *Braddon* himself, which as it is without all President, so it hath been extravagant and arbitrary in the highest degree. All, who understand any thing of the

* *Braddons Trial* p. 11;

12; 13, 14, 15, 16; 17.

the Law of England, know that in all Cases and Indictments of Murder, except upon Appeals, the Charge and Accusation not only runs in the King's Name, but he is according to, and in the sense of the Law, the proper Plaintiff. And there is this reason for it, because as others thro' the death of the person destroy'd, may have lost a Relation, Acquaintance, or Friend, so the King always loseth a Subject from whom he was to have Allegiance and Service, and whom by vertue of his Office he was trusted with the care and protection of, and in the sense and esteem of the Law made responsible for. It was upon this account that the Conspirators against the Life, and Authorizers of the Assassination of this late Peer, and to prevent the advantage and benefit which Mr. Braddon would have had in bringing an Indictment of Felony and Murder against Bomeny and others, took the start of him, and caused an Information to be preferred against him, Of Subornation and spreading false Reports, whereby to bring the Government of the King into hatred, disgrace and contempt. And by this means they did not only obstruct, the King's * being made Plaintiff and Par- * Braddon's Tryal, p. 1, 2. ty against the Murderers, which he must have been, in case way had been given to Mr. Braddon getting any of them indicted, but they commence an Action against that poor Gentleman, wherein they make the King Party and Plaintiff against him, and in effect no less than Advocate and Voucher for the innocency of those that were to have been indicted for a most execrable and barbarous Assassination. Which as it was a most devilish Artifice, for the oppressing an honest Gentleman, who had done nothing but what he was bound unto, in conscience to God, and Duty to his Majesty; so it was a most villanous and enormous Crime against the King, thro' making him to be the Skreen and Patron of those of whom he should have been the Prosecutor and Punisher, and at the same time to be the pursuer and ruiner of a worthy Person, whom he was bound to have countenanced, encouraged, and protected. It would fill a whole Volume to relate the Severities which Mr. Braddon hath encountered, and upon no other score, but because he was willing in order to delivering the Throne and Kingdom from the guilt of innocent Blood, to gather up such Informations as might have served to convince the King of the Murder committed upon the Earl of Essex while he was in a special manner under the protection of his Majesty and the Law, being not only a prisoner, but standing committed to the Tower of London, where with respect to the Quality of the place, Captives ought to be supposed more safe from violence than in other Prisons. But as it is not a season to present the World with a History of the Sufferings of this honest and ingenious Gentleman; so it were but to entangle and perplex the affair I am upon, to inter-

interweave it with a large Narrative of another Man's Troubles, tho' they all sprung from his being concerned in enquiring and discovering, how and by what hands and means this Nobleman was brought to so fatal and untimely an End. I shall therefore only briefly intimate some few things, which may serve to enlighten and confirm the Topick and Head which I am now discoursing from. And whatsoever proves the ill treatment of those, who keeping themselves within the bounds of Loyalty and Modesty, have endeavoured to detect the Assassination of that Honourable Person, does by consequence demonstrate that he was not *Felo de se*, but that he was Murder'd by the Malice and Violence of other Men. The first unexpected entertainment which this Gentleman Mr. Braddon met with, was his being taken into Custody, and carried before the Council, on his having gone to *White-hall* to wait upon the Secretary of State my Lord *Sunderland*, in order to inform his Lordship what a certain Boy (whom he took thither along with him) had reported concerning a Razor, which he saw thrown out of the Earl of *Essex* Window, immediately before the noise and report of his Death. And not to mention what other Treatment he met with there, which some of the Honourable Members of that Board themselves, have declared to have been very unbecoming his Majesties presence, and no ways agreeable to the Gravity, Wisdom, and Honour of such an Assembly, he was required to give 2000 *l.* Bail to answer an Information for having suborned the Boy, a thing very unsuitable to the service he had been performing for the Honour of his Majesty and the Government, and very surprizing to all indifferent persons that heard of it. And tho' this poor Gentleman was discharged at that time, and restored to his liberty, upon giving the fore-mentioned 2000 *l.* Bail to answer the said Information; yet his troubles did not end and terminate here, but this was rather only a commencement and beginning of the hardships and oppressions which he was to meet with, for having had the honesty and courage to appear in a business which so nearly affected the Duke of *Rich* and so many of his Majesties principal Ministers of State. For tho' they had laid him under a necessity of making all the provision he could, for vindicating himself from being the Author and Forger of that Report, concerning a Razors being thrown out of the Earl of *Essex*'s Window just before the cry and noise of his death, being that which gave the first suspicion of my Lord's being Murdered by violent, treacherous, and bloody hands, and that he did not destroy himself, as was endeavoured to be obtruded and imposed upon his Memory and the Faith of the Nation; yet Mr. *Braddon* was no sooner gone into the Country, to enquire into the truth of another Story which very much strengthened and confirmed the suspicion and jealousy that my

of people and I still see, holding him innocent of his own trial, and Lord

Lord was not *Felo de se*, but this poor Gentleman fell into new troubles, and found persecution and oppression awaiting him whithersoever he went. For having received intelligence from a Friend, that on the very day on which the *Earl* died, it was reported at *Marleborough* that my Lord of *Essex* had cut his Throat in the Tower; he judged it very useful and subservient both to the acquitting himself from the Slander of being the first Author of the Report that my Lord was Murdered by others, and also to the evidencing and clearing up that he really was so, to search into the truth of that Information which his Friend had given him, and to learn out the persons to whom that News had been told, and know, if possible, the names of those who had related it. But while he was going in the search and pursuit of this, which his being obliged under the penalty of 2000 £. to answer an Information of Subornation, had made an Act of Justice to himself as well as a Duty to God and his Country; behold the poor Gentleman was apprehended and committed to *Fisherton* Goal in *Wiltshire*, by a Warrant the most illegal for the Form as well as the Matter that ever any man was sent to prison upon. For what could be more extravagant and illegal than to seize and commit a Gentleman traveling peaceably on the Road, without an Oath or Deposition of any Witness against him, merely upon a groundless and naked suspicion of being a dangerous and ill affected person to the Government, and for having two Informations about him relating to a *Razor* being thrown out of my Lord *Essex's* Window before the news of his Death was divulged, and for carrying two Letters, whereof the contents of one he knew not, and the contents of the other could administer no just offence. But the form of the Warrant was more extravagant, arbitrary, and illegal than the matter, carrying in express words this order and command to the *Goaler*, namely, *That he should Lawrence Braddon safely keep, till he should receive further Order from the King and Privy Council.* Which Warrant had the Goaler been as mad and foolish to obey, as the officious and dotting Justice was to write, the poor Gentleman for any foundation of relief that was left him in the *Mittimus*, might have lain in Prison all the days of his life, unless the King and Council should have ordered his Release and Discharge. But Mr. *Braddon* knowing both his own integrity as to the business he was going upon, and his innocence as to any crime the malice of his Enemies could charge him with, sued out a *Habeas Corpus* to be brought to *London* before some of the Judges in order to be Bailed. But alas! being arrived there, none of the Judges of either Bench, nor Barons of the *Exchequer* were in Town, so that he was necessitated to desire the Goaler to carry him before my Lord *Keeper*, which the Goaler having accordingly done, his

Lord.

Lordship instead of admitting the prisoner immediately into his presence, and allowing him the benefit of the *Statute*, was pleased to adjourn the seeing him till the next day, with a command that he should be then brought to the Council Chamber at *Whitehall*. Whither being, in obedience to the said Order carried, he was after an hours waiting called in before my Lord, and found together with him, my Lord *Privy Seal*, my Lord Duke of *Ormond*, and Mr. *Secretary Jenkins*. It would be both to enlarge these Papers beyond the bounds allowed to them, and to depart too far from the essential part of the Subject I am upon, to relate the whole entertainment, which I have been told Mr. *Braddon* did there meet with. Only it may not be amiss to remind my Lord *Keeper* of a Verse that he quoted out of *Juvenal*, and to sub-join the Translation of it into English, as a certain Author hath rendred it. For having upbraided the poor Gentleman as one that had a design to raise and advance himself by sinistrous courses (which God knows the endeavouring to detect the Earl of *Essex* Murder, was not, as the present posture of Affairs stands, a very likely method unto) he quoted that of the Poet, to give an edg to his *Irony* and *Sarcasm*,

Aude aliquid brevibus Gyarn, & carcere dignum,

Si vis esse aliquis —

Dare once but be a Rogue upon Record,

And you may quickly hope to be a Lord.

But his bitter and contemptuous Language, with all his other ungentiel as well as illegal Treatment, might have easily been dispensed with, had not his Lordship refused him the benefit of the *Statute*, of being admitted to be Bailed, unless he would procure Sureties, who together with himself might stand bound in 12000 *l.* for appearance. A thing so exorbitant, considering the quality of the Prisoner, as well as unjust, considering the nature of that which they stiled his Offence, that he had both acted unwisely, should he have engaged himself and Friends in Bonds so much above what he was able to discharge, and injuriously to others, should he have condescended to so illegal a demand, and which might afterwards be improved into a *President*. Whereupon finding, after divers Applications, that his Lordship was not to be wrought to a mitigation of the 12000 *l.* and that he would not be prevailed on to take the 6000 *l.* Bail, which was offered, the Gentleman rather than be remitted again to Prison in the Country, was forced to comply to stand committed to the Messenger Mr. *Atterbury's*, where he continued for *five weeks* at the charges and rate of 4 *l.* 1 *s.* 8 *d.*

per Week, During which time he applied himself by way of Petition to his *Majesty in Council*, but alas, without that success which he hop'd for, which most men are apt to ascribe to the *King's* being prepossessed by my Lord *Keeper* concerning his case, so that despairing both of all *Justice* from my Lord *Keeper*, and of all *Favour* from the *Council Board*, and groaning as well under a close Confinement, as the excessive Charges he was at in the *Messengers House*; he judged it the best method he could take, to endeavour the getting himself turned over to the *Kings Bench Prison* in *Southwark*, reckoning that he should not only live there at a more moderate Expence (which the narrowness of his Fortune obliged him to consult) than was extorted from him at *Mr. Atterburies*, but likewise expecting, that upon giving security for his true Imprisonment, he should have the liberty of the *Rules*, and thereby enjoy a more open and free Air, than he did in the place where he was before. But as it was with some difficulty, and after earnest application as well to my Lord *Keeper*, as to my Lord *Chief Justice*, and the *Attorney General*, that this small kindness was obtained; so after his removal to the *King's Bench*, by Vertue of a *Habeas Corpus* from my Lord *Chief Justice*, and after this, having given 10000 *l.* Security for his faithful and true Imprisonment, yet he was by an Order from my Lord *Chief Justice* to the *Marshal* of the said Prison for his close Confinement, denied the freedom of the *Rules* which he had not only promised himself, as a thing that was in course allowed, but what the Keeper of the Prison had consented unto, and without the granting whereof, he could not according to Law demand Bail and Security for his true Imprisonment. Yea, so Arbitrary and Illegal were they in all their Actings against this poor Gentleman *Mr. Braddon*, that notwithstanding his Imprisonment, yet they refused to discharge him from the 2000 *l.* Bail, which he had given at his first Appearance before the *Council* to answer an *Information* of pretended *Subornation*; and also notwithstanding his close Confinement, they with-held from him, and positively denied to give up the 10000 *l.* Bonds, which he and his *Sureties* had entered in to for his being a true Prisoner, nor would they so much as restore him the Fees he had paid upon the sealing of them. And it being now the long *Vacation*, and there remaining no way of helping and relieving himself till the *Term*, he was forced both to continue a close Prisoner under no less expence than 2 *l. Sterl. per Week*, and to lie under the weight and terror of the 12000 *l.* Bail, which they had wrested from him. But tho' he was denied the succour and benefit of the Law, and found neither Justice nor Mercy in Men: yet he could not be rob'd of the Comforts of a good Conscience, nor deprived of the refreshments and supports which the knowledge of his own Integrity

and innocency administred unto him. And I have been fully informed by credible hands, that neither the troubles and oppressions which he lay then under, nor the further persecutions and sufferings he was in prospect of, were able to give him any discomposure, or create him any vexatious grief in himself, nor yet to transport him to a behaviour in word or deed that could furnish his Enemies with an advantage against, or yield them matter of insulting over him. In this state and condition he continued till *Michaelmas Term*, which being come, and the *Westminster Courts* begun to sit, he caused move the Court of *King's Bench* the very first day for a *Rule* to the *Marshal* to bring him up the next Morning, in order to discharge the Bail he had given by appointment of the *Council Board* about the answering an Information of pretended *Subornation*. Which Rule being granted by the Court, and obeyed by the *Marshal*, his Appearance was recorded, and his Bail discharged. Now having succeeded in this which my Lord Keeper had refused in the time of the *Vacation* to grant him, the next step he took was for the obtaining his own Liberty; in order to which, he did on the Fifth day of the Term move the Court for a *Habeas Corpus* to be brought up and Bailed. Which being also immediately granted, he was after a few days, and a little delay, which I shall not complain of the occasion of, brought up to the Court of the *Kings Bench*, and there discharged from his Imprisonment upon the giving 3000 *l.* Bail, whereof himself stood bound in a Bond of a 1000 *l.* and his four *Sureties* in 500 *l.* a Man. From all which we may not only collect the hardships and oppressions which this honest and worthy Gentleman met with, meerly for enquiring into the Truth of some Reports, which if admitted, do clearly prove that the Earl of *Essex* was Assassinated by others, and did not Murder himself, but we may also observe and infer after what an arbitrary and illegal Manner, His Majesties Subjects are treated by some of his judicial Officers, as well as Prime Ministers, for attempting to discover a most execrable and barbarous Murder, wherein the Duke of *Tork* and the chief Heads of the Popish Faction would have been found deeply concerned and involved. Nor did Mr. *Braddons* troubles upon this account issue here, all these things being only *preludiums* to what he was further to encounter from the rage and malice of *St. James's*, and therefore the next Scene that opened, was the bringing him to a Tryal for endeavouring in the Earl of *Essex's* Death, to cast Aspersions upon the Government, and Defame the King. And all I would desire of any unprejudiced and impartial Person is only to read the said Tryal, being fully confident that he will thereupon not only acquit the Gentleman from the guilt of any such thing, but that he will find himself obliged in conscience

to acknowledge that there was barbarous Villany used in bringing my Lord of *Essex* to that fatal and untimely End. And the first thing remarkable as an Introduction to that Tryal, is, that my Lord Chief Justice was not only that morning for some time at *Whitehall* before he went to *Westminster*, but was attended upon by Lord *Faversham* (whom we have reason to accuse of being one of the Contrivers and Authorizers of the Earl of *Essex* Murder) at the lighting out of his Coach in *Westminster*, and discoursed with both as he was conducted thro' the Hall, and in a corner near unto the Court, before his Lordship ascended to the Bench. Which hath given many men ground to suspect, that his business at the first place was to receive such Instructions as he was to follow and attend unto in the work of the day, and that the reason of the others accosting and discoursing him where he did, was to impress him with a fresh sense of the business that was to be before him, and to represent the dreadful consequences which would ensue to the Duke of *Tork* and his Majesties Ministers, in case Mr. *Braddon* should come to be acquitted. And whosoever did either observe the behaviour of the Bench at that time, or hath since read the Tryal (where tho' what was said on all sides may be related, yet the Gesture, Countenance, Passion, Heat and Air with which many things were spoken, cannot be represented) must be forced to acknowledge, that my Lord Chief Justice and his Brethren, were rather sworn parties against the Defendant, than equal Judges in a cause betwixt the King and him. I should be obliged to transcribe most of the Tryal, did I undertake to give an account of the ungentle, slanderous, and malicious Language vented against himself; or the interrupting, menacing, and hectoring of his Council, or the imposing upon, prescribing unto, as well as biasing the Jury against him; and therefore instead of that, I entreat and desire the World to do both themselves and Mr. *Braddon* that right as to peruse the Tryal, and if in their Hearts they subscribe not to what I say, I am contented to undergo the character both of a person that understands nothing of the Rules and Measures which ought to be observed in Courts of Judicature, and of one who is not sufficiently regardful of his Credit and Fame in the things which he delivers. And if I be not wonderfully mistaken, there is nothing more needful, but an impartial reading and weighing of that Tryal, for the Vindication of Mr. *Braddon*s enquiring into the Reports which seem'd to imply that the Earl of *Essex* had not killed himself, nor to justify his innocency as to the crime whereof he was accused, namely * *Of maliciously conspiring* * *Braddon*s Tryal, *and endeavouring to defame the Government*, and as Justice *p. 2. 70.* *Wibbins* was pleased to express it, *Of charging the King*

with taking away an innocent Mans Blood, and of Murdering an Innocent Man, and as it was laid in the Indictment, Of his procuring and suborning false Witnesses to prove that the Earl of Essex was not a Felon of himself, but was killed and murdered by unknown persons. For admit that all which was Sworn concerning a bloody Razors being thrown out of my Lord Essex's Window immediately before the news of his Death, and that all which was Deposed concerning a Report in City and Countrey about his having cut his Throat before it was done, were false, and only invented by the Informers; yet as it is evident by the Oaths and Depositions of the Witnesses, that Mr. Braddon was not the Forger of these things, so it is demonstrable that they were in their nature of that weight and importance, upon which a wise as well as an honest Man, might suspect that my Lord had not murdered himself, but was destroyed by others. Nor could the Gentleman have ever been found guilty, but by means of Mercenary Judges, and an over-aw'd as well as a pick'd and prejudiced Jury, who will boggle at nothing, tho' never so unjust, that may but gratifie the great Man at St. James's, and oblige his Majesties Ministers of State. And the reason, as I have said before, upon which Mr. Braddon came to be Convicted and found Guilty, was plainly to skreen the Duke of York and some other persons from coming to be involved in the guilt of that Noble Mans Death, and to keep up the belief

* Braddon's Tryal of a Protestant Plot, * which (as Justice Withins phraseth it) was likely otherwise to lose its credit, and to be esteem'd a sham Plot for the taking away innocent Protestants Lives. Nor was the whole Tryal against this worthy and vertuous person, more extravagant, arbitrary, and illegal, than the Sentence against him, upon the Juries finding him Convict of the Indictment, was unjust and severe. For besides the condemning him in a Fine of 2000 l. which is more than his whole visible Estate amounts unto, and expressly contrary to the Law of the Land, which requires that no Man shall be Fined but with a *Salvo contentamento*, i. e. the leaving him as much as may support him in some degree answerable to his quality, they have over and above ordered his finding Sureties for good Behaviour during life, which as I question whether it be lawful by the ancient and Common Law (tho' it hath been sometimes practised) any more than it is to condemn a person to perpetual Imprisonment, so I am sure there is no President to be found for the like, in a matter that was not of a more criminal and heinous Nature. But all serves to prove, that whoever hath the courage or honesty to ravel into the Earl of Essex's Death are to be persecuted, oppress'd and ruined, and by consequence serves to demonstrate, that there is a villanous mystery in the manner of his coming

ing to that fatal End, which they are afraid to have searched out and detected.

And as if it were not enough in the judgment of all rational men, to acquit and vindicate the Earl of *Essex* from the guilt and infamy of having destroy'd himself, that those have been prosecuted with the utmost Severity, and oppressed in their Estates and Liberties, who with all imaginable modesty towards the Government, were willing to enquire into the manner of his Death, and to declare their just Suspicions, with the grounds of them, to Persons trusted with the Administration of Affairs, that he did not murder himself, but was assassinated by others: Behold, that as one Crime is not to be concealed but by the perpetration of more, so the Conspirators and Authorizers of that Noble Mans Death, have proceeded to the murdering several other Men, who as they had a perfect knowledge and comprehension both of the manner of the Fact, the villanous bloody Agents who were immediatly instrumental to commit it, and the Persons who employed, rewarded and encouraged them, so they had been guilty of what some will call Indiscretion, to communicate to others what they had seen and observed, and too fully understood themselves. Amongst others who partly saw, heard and observed themselves, and partly learned from others several circumstances relating to the matter of my Lords Death; there was one *Meak*, a common Sentinel, who had stood on Duty all that morning, near unto the Place and House where the Earl of *Essex* was confined. For whereas, on other days the Sentinels used to stand but two Hours at a time on Duty; there was care taken that morning, that those who were on Duty when the King and Duke came into the Tower, which was about six of the Clock, should not be changed till both after the time of the Earl of *Essex*'s Death, which was about 9, and till after the King and Dukes departure from thence, which was about half an hour after. And the reason of this is obvious, namely, that though it was impossible to keep all Persons from seeing who walkt to and fro, and what was transacting, yet they resolv'd to preserve it in as narrow a compass as they could, and to admit as few to an opportunity of observing Persons and Things as might be. Whence it came to pass, that those Souldiers who entred upon Duty at Four, and should according to course have been relieved at Six, were suffered and obliged to stay on till Ten. Now this *Meak* having an advantage from the post he was in, of observing the several Persons that went that morning to my Lord *Essex*'s Lodgings, and having partly himself seen, and partly learned from others, divers material Particulars relating to the manner of the Assassination of that Noble Person, it will be easily acknowledged, that he was as

capable

capable as any to detect it, or at least of letting those who should have the honesty, courage and zeal to enquire after my Lords Death, so far unto it, as to be able to unravel that whole Villany, and to trace it not only to the Instruments, but to the Original Authors and Contrivers. This poor Fellow both abhorring in himself what he had seen, and conceiving the greatest detestation imaginable, against all the Villains who had been accessory to it, was neither able to conceal his knowledge of what he had seen, nor his resentments of so horrid a Fact, but at the same time had not the prudence to distinguish betwixt Persons, who without damage to the Author, might be entrusted with so important a Secret; and those who at first would seem forward enough to hear it, but would withal make their advantage by revealing it to such as would reward them and destroy him. Whence it unhappily came to pass, that this poor foolish man, not only related it to such as were honest and faithful to him; and who will be ready in due time to testify the whole of what he acquainted them with, but to others who conveyed it to St. James's as a piece of important Intelligence, and of wonderful consequence to his Royal Highness. And tho it be not yet seasonable to recount the several Particulars relating to that barbarous Murder which he declared upon his own knowledge as well as the confirmation of others; yet I may take the liberty to digest and branch them into their several Heads, and to let the World know that some of them were such as preceded his death; others accompanied it, and one or two came after it. Wherefore that he might tell no more Stories, nor rise up as a Witness against the Assassins, this poor unfortunate Fellow was secretly murdered and thrown into the Tower-Ditch. And there are several Particulars relating to his Death, which are not unworthy to be known to the World, but it were to advantage the Conspirators, and to prejudice our selves to mention them at present. Only this is remarkable, that as this *Robert Meak* was for some time before his Death, very apprehensive of the danger he went in of being privately destroyed for what he had declared concerning the E. of *Essex's* being murder'd, so he had a greater dread of it the morning before he was killed, than he had been possessed with at any other time. And therefore from that alarm which his mind suggested to him of his impendent danger, he begged of an Acquaintance and Friend that morning before he died, that he would have accompanied, and kept with him for that day. But such was the poor Fellows Fate, that tho he told that Person the apprehensions he was in of being murdered, and he from a sense and belief of it, had left his work with a resolution to attend him; yet whether from a jealousy he might have of his own Safety, or upon what other motive I shall not enquire, he stole away from and

and forsook him before twelve of the Clock. But tho' the Conspirators and Affassinates had thus by a second Murder delivered themselves from the apprehensions they were in of being detected for the first; yet there arose another Person, who as he had better opportunity of knowing the whole Mystery of my Lord of *Effex's* Death than *Meak* the Sentinel had; so from remorse of Conscience for what he had been accessory unto, and from an abhorrence of that bloody Fact which he so well knew the Authors and Perpetrators of, he begun to discourse and communicate it with shame and loathing to others. The Person whom I mean was *Mr. Hawley*, a Warder of the Tower, who lived in *Winchester-street*, being a Person both for Reputation and Estate, far above that *Hawley*, in whose House the Earl of *Effex* was Prisoner when his Throat was cut, and therefore one without whose knowledge, consent and contribution, it cannot be supposed to have been done. And by how much he was not only more capable than others to detect the whole villany of that Noble Mans Death, and lay open the enormous Crime in all the Parts and Branches of it, but was of better Credit than the Sentinel, and more likely to obtain Belief from the World in what he should declare, by so much was he to be esteemed for a most dangerous Person to the Conspirators, and to be treated as one from whom they might dread the most fatal Mischiefe to themselves as well as their cause. Hence the Intelligence was no sooner conveyed to the Duke of *York* and the rest of the *Juncto*, that *Hawley* had been talking such things concerning the Earl of *Effex's* Death, which it concerned them no less than both their Lives and Honors to have concealed; but they resolv'd to destroy him, and thereby prevent his prating for the future, and being able to tell any Tales. And being informed that he was inquiring where he might purchase an Estate, they employ one to tempt him out of Town, under pretence of his seeing a parcel of Land that was to be sold. For they thought that should they cause murder him in or about the City, it would fill all men with jealousies of their being guilty of his Death, especially considering the Reports which went of them; and the Suspicions that they lay under of having caused *Meak* to be killed. And therefore in order to the getting him destroyed with the more Secrecy, and the administering the less apprehension about the Authors of his Death, they prevailed on him by the Bait and Temptation which I have mentioned to take a Journey into the Country. Whence having resolved that he should never return, they employ'd some to dogg, and others to way-lay and murder him. And with that Secrecy as well as Obedience, were their Orders and Decrees executed, that it was a considerable while after his Death before he could be heard of, or his Body found. But when after long search and enquiry after him, his Corps were at last found, there were all the Marks and Symptoms of a most barbarous Affassina-

Assina-

assassination perpetrated upon him; which malicious Wit could invent; or enraged Jealousie and Revenge act or commit. For besides divers contusions in the Head, Face and Breast, from the Blows he had received, it appeared plainly, that he had been also strangled. And as he had never administered cause to any other Persons, save the Conspirators and Instruments of the Earl of *Essex's* Death, upon which we can with the least Shadow of Reason, fancy his being murdered upon a personal and private Revonge; so, there are Proofs ready to be produced, whensoever either a Parliament comes, or a fair Trial can be obtained before upright and impartial Judges, not only by whom he was destroyed, but by whose Command and Authority. Nor was his Wife insensible and without apprehension, even before the Body was discovered, both that he might be murdered, and upon what motives and inducements it was done, so that she told some Friends how she dreaded the consequences and effects of his having so often discoursed about the Earl of *Essex's* Death. Yea, there is one *Glover* who is a Servant to his Majesty, being at present a *Warder* in the Tower, who being in conference with some People about the Earl of *Essex* and *Mt. Braddon*, was pleased with more than an ordinary emotion to say, *Hawley* also had been printing, but he was fain to walk for it. But the same Person being asked, after it was known that he had been murdered, what he thought of *Mr. Hawley's* walking, appeared exceedingly disturb'd, and said, He knew nothing of it, nor would he have the patience to hear any thing spoken about that matter. So that we have here another Evidence, that the Earl of *Essex* did not, as he hath been defamed and slander'd, cut his own Throat; but that this Person of incomparable Merit and Virtue, was massacred by wicked and sordid Russians: Seeing to prevent the discovery of that heinous and execrable Fact, two other men who had advantages of knowing both the Actors in, and manner of his Death, and had talk'd somewhat freely about it, and seem'd inclinable to reveal it, were barbarously killed.

And as the destroying as well as oppressing those from whom the World might receive light about the murder of that Noble Peer, plainly shews by whose Councils and by what Means he came to his fatal End; so the countenancing, protecting, and preferring those who are justly suspected to have been deeply instrumental in it, and who long ere this would have been publickly indicted for it, (had it not been partly for the discouragement given by the Court, his Majesties Ministers of State and Officers of Justice, and partly not to expose men to that hazard which they must necessarily run by engaging in this Affair,) affords us a new proof of my Lords Innocency from being *Felo dese*; and that the infamy and guilt of his Death ought to

be

be devolved upon others. There are cases wherein suspicion of guilt may so wait on some Men, that others tho' never so well perswaded of their Innocency, cannot without forfeiture of Discretion, and becoming Sharers in the Reproach and Dishonour which attends them, give them either the least Countenance, or yield them any Testimonies of Favour and Kindness, till they have vindicated and acquitted themselves from that whereof they are Suspected, and which common Fame accuseth them of. And as all persons pretending to Wisdom, or who are regardful of their Reputation, will account themselves obliged to act under the Conduct and Guidance of this Rule and Principle; so of all Men, those in Authority are most concerned not to take upon them the sheltering of those that are aspersed with infamous Crimes, nor to Countenance and advance such whom the cry of a Kingdom chargeth with a barbarous, enormous, and execrable Fact. But to that impudence in Villany as well as contempt of Honour and Credit are the *Duke of York* and the Gentlemen of the Popish Juncto and Cabal arrived; that they not only cause secretly Murder such as would discover a great and hainous Offence against God and Mankind, but they dare openly and in the face of the Sun, both protect and prefer the Chief Miscreant and Russian whom all sober and impartial persons have in suspicion for it. It must necessarily be acknowledged, that in case my Lord was Assassinated by violent and bloody hands, his *Valet de Chambre Bomeny* the only Servant who attended him in the *Tower*, save a Footman, must be acquainted with it, and necessary to it. And so many, as well as weighty, were the Arguments of his being guilty of his Earl and Masters Death, that he was justly suspected for it, both by the rest of my Lords Servants and all the thinking impartial people about the Town. And tho' I shall have occasion hereafter to mention divers particulars, and recount several Circumstances, which not only serve to lay him under a Suspicion, but to Convict him of being accessory to the death of his Lord, yet I care not if I relate one at present, namely, the apprehension he was in, and the trouble he expressed to one of the Lady *Essex's* Gentlewomen, upon a Report which he had heard that my Lords Murder was to come under a second Examination, and that the Body was to be taken up, in order to a review. Nor was the Countess herself for all the impressions which some great Men had endeavoured to possess her with, of my Lords cutting his own Throat, without strong apprehensions to the contrary, nor void of Jealousie of this French Fellows being guilty of her Husbands Death, which made her discharge him, her service and dismiss him out of the Family. And as no Gentlemen in *England* would have after this done so foolish a thing, or so unworthy of himself, as to cherish and entertain

F

such

such a Rascal, so it least of all became the Honour of the Court, unless there were a further Mystery in it than the World is aware of, to take him both in to their Protection, and to advance him to an Employ and Place. Let us therefore a little observe and recount what favours this Rascal, under all the suspicion and infamy of being accessary to his Lord's Death, hath met with, both from his Majesty's Ministers of Justice, and from the principal Persons at Court, and chiefest Officers of State. Can it be less than a Reflection both upon the Honour of the Government, and an insinuation that Great Men were concern'd in that horrid Fact whereof *Bomeny* is so justly suspected, that my Lord Chief Justice at Mr. *Braddon's Trial*, after he had been affronting, interrupting and hectoring all the Witnesses for the Defendant, steps in, not only to assist and rectifie *Bomeny* in his Deposition, guiding him to say a *Razor* when the Rogue had said a *Penknife*, but durst represent the Villain under the Character of *one whose Integrity and Fidelity to*

* *Braddon's Trial*,
p. 55, 61.

my Lord was confirmed by six years experience of his Service, and that he was not an upstart and wandering Fellow? Yea, the esteem that this Russian was in with our Grandees, and which by consequence proves that there is a Mystery in the manner of the Earl of *Essex's* Death, which is not yet fully discover'd, seeing these who are deservedly suspected to have been accessary to it, are favoured and befriended by them, may be further enlightned and confirmed from the correspondence which *Bomeny* had with the Secretary of State, when he lay concealed from others, and the readiness he expressed to converse with any that pretended to enquire for him in Sir *Lionel Jenkins's* Name, when he was deny'd to every body besides: For a certain person having occasion to call at his Lodging, in order to *subpœna* him to Mr. *Braddon's Trial*, and being positively told that there was no such man there, took the boldness to say he came from Sir *Lionel*, upon which *Bomeny* immediately appeared, and he who was said not to be there before, stepped forth with all imaginable readiness, to receive the Secretary's Messenger, and to know what his Honour's pleasure was. And if these two passages which I have related be not enough to evidence the kindness which his Majesty's Ministers had for this little and infamous Creature, I shall subjoyn a third, importing the care which the Greatest about the Court took of him, and the Respect they shew him: For when he seem'd to be abandon'd by all others, and knew not where to be admitted into a Service, by reason of the suspicion he lay under of being either an Instrument that murder'd his Lord, or who had consented to the doing of it, behold the Duke of *York*, and the Officers of His Majesty's Forces, embrace him under all that Ignominy and Reproach, and list him

him to ride in one of the Troops of Guards. Nor is it possible for any man, without renouncing his Reason, to imagin that the Duke of *York*, as well as divers other persons of Figure and Quality, should expose themselves to the Censure of the World, in entertaining a Fellow judg'd guilty of so enormous and abominable a Crime, unless they themselves had been accessary some way or other to that execrable Wickedness, and except they judged the Rascal to have merited by the Fact.

But, to put it beyond all possibility of any rational Contradiction that the Earl of *Essex* did not cut his own Throat, but that he was massacred by others; I shall demonstrate the impossibility of it, as the manner of his Death is represented in the *Coroners Inquisition*, and declared in the *Depositions* of the *Chyrurgeons* who view'd the Body, and search'd and examin'd the fatal Wound. And where there is a natural impossibility that a thing should be so or so done, all the Informations of the World to the contrary serve to no other end but to declare the Perjury of the Informers. A matter that is naturally impracticable ought not to be credited, tho' never so many should have the impudence to swear they saw it done. But as the rage of the *Conspirators* and *Assassins* transported and hurry'd them to commit the barbarous Fact in such a manner, that all who have not abjur'd common sense as well as reason, must acknowledge, that it was not practicable in that way and manner, or a thing that could be done by the Earl of *Essex* himself; so their malice corrupted and blinded their judgments to that measure and degree, that the *Instrument* which they have chosen and pitch'd upon as the *Tool, Weapon, &c* Mean by which it was done, renders the doing it by my Lord impossible in it self, and unworthy to be believ'd, except by the grossest of Fools, or the worst of Knaves, who never consider how far a matter either is or can be true, but only what may conduce to their Profit, or gratifie their malice, to take up and admit. And how conspicuous is the Wisdom as well as Righteousness of God, in infatuating villanous Men, so to accomplish and perpetrate their Villanies, as that their Folly shall detect their Guilt, and the Marks and Characters of Stupidity as well as Rage left upon the Fact shall reveal the Authors of it; let them do all they can to transfer and abdicate it from themselves, and to charge and fasten it upon others! Now the *Coroners Inquest* in their *Inquisition* made the 14th of *July*, 1683. concerning the Earl of *Essex*'s Death, do upon their Oaths, from the *Depositions* of such Witnesses as they thought fit to examine, give us this account of the way and manner of it: *That the Earl of Essex being the 13th day of July alone in his Chamber, did with a Razor voluntarily and feloniously cut his Throat, giving unto himself one mortal Wound, cut from one*

jugular to the other, and by the Aspera Arteria, and the Wind-pipe to the Vertebres of the Neck, both the Jugulars being thoroughly divided; of which said mortal Wound, the said Earl of Essex instantly died. And to this Account so far as relates to the Nature of the Wound, do the Informations upon Oath of Robert Sherwood and Robert Andrews, two Chyrurgions, called to view the Body of the said Earl fully agree. For Robert Sherwood swears, that having viewed the Throat of the Earl of Essex, he finds that there is a large wound, and that the Aspera Arteria or Wind-pipe, and the Gullet with the jugular Arteries, are all divided. And Robert Andrews deposeth to the same purpose, namely, That having viewed the Throat of the Lord of Essex, he found that it was cut from one jugular to the other, and through the Wind-pipe and Gullet into the Vertebres of the Neck, both jugular Veins being also quite divided. And as the first thing observable in the Coroners Inquest about my Lords Death, is, that his Throat was cut with a Razor, so it is needful the World should know that the Razor which Bomeny in his Deposition before the said Inquest, swears to be the same wherewith he gave himself the fatal and mortal Wound, was a small French Razor of about four Inches and a half long at most, without any Spill or Tongue at the end of the Blade, as all Razors of the English Form and Fashion have; so that the Razor being of that Make, Proportion, and Extent, it is as evident as any demonstrated Problem in Euclid, that it could not be used but upon holding it by the Blade, and that in order to the holding it with strength and steadiness requisite to the making such a Wound, the Fingers and Hand must grasp and fasten upon no less than two Inches of it. The second thing remarkable from the Inquisition of the Coroner, and the Depositions of the Chyrurgions, refers to the extent and dimension of this deplorable and deadly Wound. Which as they all acknowledge to have reached from Jugular to Jugular in length, and to the Vertebra of the Neck in depth; so a certain Gentleman who saw the Wound before ever the Jury did, affirms that it begun at the side of the Neck-Bone behind the left Jugular, and extended to the Bone of the Neck beyond the Right, being betwixt eight and nine Inches in Dimension from one side to the other, and that it so nearly approached unto and pierced into the Vertebra, that had it light on a Joint it would have cut off his Head instead of merely cutting his Throat. And I may upon what is here confessed and sworn, confidently say, that no Man could cut his own Throat after the rate and manner, and to that measure and extent, that the Earl of Essex's was cut. Nor did I ever speak with Physician or Chirurgeon, who was so far above the dread of the Court and St. James's, as to dare venture the giving his Opinion, but he would readily

readily acknowledge and confirm it with unanswerable Reasons, that it was impossible that the Earl of *Essex* should have given himself that mortal Wound, or cut his Throat in the manner it appears to have been done. For the Razor being in the whole length but four Inches and a half, and two Inches of these being necessary at the the least to be held and grasped in the hand in order to the using and managing of it; it is not imaginable how with the other two inches and a half both the *Jugulars* could be divided at one stroke, and a gash made, which extended no less than eight Inches from one side to the other. There is no Man that is versed in *Chyrurgery* or the *Anatomy* of the humane Body, but will find himself obliged to own, that it is altogether impossible that after the cutting the *one Jugular*, there should remain life and strength for carrying forward the Wound, to the dividing the other. Nor can there be any thing more certain in Nature, then that there would have been such an effusion of Spirits and Blood upon dividing the first *Jugular*, that all Life and Motion would have immediately ceased, and that there would have been no strength left to push forward the Instrument to the second so as to dissect it. Besides, there being no more of the Razor beyond the hand which held the Razor, than about two Inches and a half of the blade that could be used and applied to the making the Incision in the Throat; how is it possible that a Gash or Wound of four inches deep (for of that dimension it was from the outside of the Gullet, where the hand must lie to the *Vertebrae* of the Neck where the Incision terminated) could be made by an Instrument of two inches and a half long. These being plain and direct impossibilities, it necessarily follows that the Earl of *Essex* did not destroy himself, but that this hellish murder was committed upon him by the hands of bloody and hired Ruffians. Nor indeed was a Razor the Instrument which they made use of upon this villanous Occasion, but it was done by one of another kind as well as form and figure, and which as they had prepared and provided on purpose, so it was much more convenient for the perpetration of the Fact. But it would have too palpably betrayed the Actors, to have suffered that to have lain by the massacred Body, or to have let it be seen by any honest and indifferent persons who might throng in among others, to view and look upon the bleeding Corps. And of all the Instruments which they could have thought upon, a Razor, especially of the fashion which that was, that they threw down by my Lords Body after they had murdered him, was the most unfit for an Incision in the Throat of those dimensions, as the Wound whereby they treacherously killed him, evidently appears to have been. A certain Gunner in the *Tower*, who may be supposed not altogether a stranger to this Affair, pitched upon a more convenient and proper

proper Instrument for the doing of it, when about Nine of the Clock that morning he reported the Death of my Lord in a place not far distant from thence, saying the Earl of *Essex* had cut his Throat with a *Casse-Knife*, wherewith he had been carving a Pigeon for his Breakfast. And had they not been infatuated, they would have rather order'd such an Instrument to have been laid by the Body, in order to blind and deceive the World about the manner of his Death, than the small French *Razor* which I have described, and by which they have endeavour'd to make men believe the gashful and fatal Wound was made. But if a *Parliament* come to sit again in *England*, or if his Majesty will grant a Pardon to such Witnesses as we are ready to produce, and allow a Writ of *Melius Inquirendum* concerning the Death of this Noble Peer before equal and impartial Judges, we shall both describe the Instrument he was killed by, and prove the truth of what we say by persons who saw the whole bloody and tragical Transaction, and are as Accessaries too far concern'd in that horrid Murther.

Nor want there proofs of my Lord's being treacherously assassinated by others, and that he was not a *Felon* of himself, from the Testimonies of these very Witnesses which were produc'd both before the *Coroners Inquest*, and at Mr. *Braddon's* Trial, to swear that the Earl of *Essex* had cut his own Throat. And tho' it may be pardonable in the *Coroner* upon the *Inquisition* into the manner of my Lord's Death, to have admitted the *Depositions* of *Bomeny* and *Russel*, there being not then so just suspicions of their guilt in this matter, as afterwards they were; yet for my Lord *Chief Justice* to allow them as competent Witnesses in that affair, when the presumptions of their being accessory to that Murther were so strong, as they plainly appeared from the whole scope and tendency of that which was sworn, said, and alledged in Mr. *Braddon's* behalf at the foresaid Trial, was the greatest affront imaginable to Justice, and argu'd a most criminal partiality: For with what equity could *Bomeny's* Testimony be admitted to destroy either the truth or probability of my Lord's being assassinated by others, seeing it must be granted that in case the Earl of *Essex* was treacherously murder'd, *Bomeny* being the only Servant who then waited upon him, must be an Actor in, or at least an Accessary to it. And what is this, but to admit a Fellow under the highest presumptions of Guilt to be a Witness in his own Cause, and to allow his Testimony as a sufficient Vindication from the most perfidious as well as barbarous Crime that could be committed, and which to have acknowledged, would have derived upon him the severest punishment. And the same may be said of my Lord *Chief Justice's* partiality and unreasonableness, in suffering *Russel's* Testimony to pass for good and legal Evidence

dence in the matter and case that we are discoursing of: For *Russel* being the person who that morning my Lord was murder'd attended upon him as his Warder, must likewise have been either an Actor in, or Accessary to, the Cruelty that was committed on him. Nor can it be otherwise thought than that he, who, contrary to the duty of his Place, and the Trust reposed in him, instead of assisting and defending my Lord when forcibly assaulted, would consent unto, or at least connive at, the violence committed upon him, should also, for the saving himself as well as others from the punishment of the said Crime, transfer the Murder from himself, and charge it upon my Lord: For as *Russel* was set at my Lord's door, to prevent any endeavours which might have been used by himself or others for an Escape; so one main end of his being posted there, was to see that no Violence should be committed upon the Prisoner. But, to dismiss this, without further enlarging upon it, I shall, in proof that my Lord of *Essex* did not murder himself, but was assassinated by others, observe the Contradictions that are in the Informations of the Witnesses about the manner of his Death, and the Circumstances relating to it, and how they disagree not only one with another, but gainsay themselves in their Testimonies. It hath always been admitted as a sufficient ground of disbelieving Witnesses, and of judging them to swear falsely, when their Testimonies, instead of being either harmonious and coherent in themselves, or consonant and agreeable one to another, do both interfere with, and contradict themselves, and each other; For as Truth is always uniform and consistent, so Falshood is contradictory and various. Now, that this may the better appear, and that all men may see I do neither impose upon the Witnesses, nor endeavour to deceive the World; I shall transcribe the two Informations which were sworn by *Bomeny* and *Russel* before the Coroner and the Inquest, when they sat on my Lord's Body upon an Inquisition after the manner of his Death, and by what means he came to his fatal end. *Paul Bomeny* in his Deposition made upon Oath the 14th of July, 1683. saith, That when my Lord came to Captain *Hawley's*, which was the 11th of that month, my Lord ask'd him for a Penknife to pare his Nails, as he was wont to do: To which the Informant answered, being come in haste he had not brought it, but he would send for one; and accordingly sent the Footman with a Note for several things for my Lord, amongst which the Penknife was inserted; and that the Footman went and gave the Bill to my Lord's Steward, who sent the Provisions, but not the Penknife, only told the Footman he would get one the next day; That when the Footman was come, my Lord ask'd if the Penknife was come, to which the Informant answer'd he should have it the next day; and accordingly on the 12th in the morning, before my Lord of *Essex* was up, the Informant sent the Foot-

man.

man home with a Note to the Steward, in which amongst other things he ask'd for a Pen-knife for my Lord, and when the Foot-man was gone, about or a little after 8 of the Clock, my Lord sent one Mr. Russel his Warder, to the Informant, who came and ask'd him if the Pen-knife was come: To which the Informant said, no my Lord, but I shall have it by and by: To which my Lord said, that he should bring him one of his Razors; it would do as well; and then the Informant went and fetch'd one, and gave it my Lord, who went then to pare his Nails, and then the Informant went out of the Room into the Passage, by the Door, on Friday the 13th. and begun to talk with the Warder; and a little while after he went down stairs, and soon after came the Foot-man with the Provisions, and brought also a Pen-knife, which the Informant put upon his Bed, and thought my Lord had no more need of it, because he thought he had paired his Nails; and then the Informant came up to my Lords Chamber about 8 or 9 in the Forenoon, on Friday the 13th. of July, with a little Note from the Steward; but not finding his Lord in the Chamber, went to the Close-stool Closet-Door, and found it shut, and he thinking his Lord was busy there, went down and stay'd a little, and came up again, thinking his Lord had been come out of the Closet, and finding him not in the Chamber, he knock'd at the Door with his Finger thrice, and said, my Lord; but no body answering; he took up the Hanging, and looking through the chink, he saw Blood and a part of the Razor, whereupon he call'd the Warder Russel, and went down to call for help, and the said Russel pushed the Door open, and there they saw my Lord of Essex all along on the Floor without a Peruke, and all full of Blood, and the Razor by him; and the Deponent further deposeth, That the Razor now shew'd to him at the time of his Examination, is the same Razor which he did bring to my Lord, and which did lye on the ground in the Closet by my Lord. To this Information I shall subjoin that of Thomas Russel, one of the Warders of the Tower, who being examined the 14th. of July, 1683. saith, That on the 13th. of the said July, about 8 or 9 of the Clock in the Forenoon, he was present when he did hear the Lord of Essex call to his Man Mr. Bomeny, for a Pen-knife to pare his Nails, and then for a Razor, which Mr. Bomeny brought him, and then my Lord went up and down the Room scraping his Nails with the Razor, and shut the outward door, Mr. Bomeny half a quarter of an hour afterwards not finding my Lord in his Bed-Chamber, went down Stairs again, believing that my Lord was then private in his Closet. Bomeny came up about a quarter of an hour afterwards, and knock'd at the Door, and then call'd, My Lord, My Lord, but he not answering, peep'd through a chink of the Door, and did see the Earl of Essex lying on the ground in the Closet, whereupon he did cry out, that my Lord was fallen down sick, and then the Informant went to the Closet-Door, and open'd it, the

the key being in the butts; and then did see my Lord lie down on the ground in his blood, his Throat being cut. These are all the Informations which the Inquest charged and sworn to enquire when, by what means, and how *Arthur Earl of Essex* came to his Death, thought fit to take, and upon the Depositions of these two Fellows, who in case any violence were offered to my Lord must have been accessary to it; they bring in and do say upon their Oaths, That the said *Arthur Earl of Essex* did voluntarily and feloniously give his Throat. It may indeed seem strange that there being other Persons at that time in the House besides *Bomeny* and *Russel*, particularly the Maid-servant, that they should neither be examined, nor so much as asked to know, whether they could say any thing in that affair. But it is not improbable that the contradictions in the Testimonies of the two Witnesses whom they had examined, so one another, might discourage them from examining any more, lest they in what they might swear, should contradict what both the former had said. Now what I have to observe concerning the contradictions in the foregoing Depositions, they are either such, wherein these Informations are directly contrary to the Reports which themselves made to others about my Lords death; or they are such, wherein the Testimony of the one contradicts that of the other, or lastly, wherein the Information of one and the same Person, gainsays and overthrows it self. For the first, whereas both *Bomeny* and *Russel* do positively swear that it was not above a quarter of an hour and half, from the time that *Bomeny* left my Lord in his Chamber paring his Nails, to the time that they found him dead in the Closet; yet this very *Bomeny* being ask'd the Question by one of my Lord's Family soon after his Death, how long my Lord might have lain dead before either he or the *Warder* discovered it, replied that he believed he must have lain so above two hours, for that when they first found him, the Body was cold and stiff. And whereas *Russel* deposeth, That the Razor was given by *Bomeny* to my Lord after he was up, and about eight or nine of the Clock in the forenoon; and that *Burke* and *Bomeny* inform him they saw his Lordship upon the delivery of the Razor to him; apply to the paring of his Nails; yet this Rogue *Bomeny* having the property of *Lyers*, namely, the want of a good Memory, affirmed to a Person of good credit, and who is ready to depose it upon Oath, that from the time of his sending away the Footman with a Note to the Steward (which was about or before six) that morning on which the *Earl* died, he did not see my Lord till the time that he found him killed and wallowing in his blood in the Closet. And whereas there is not one word in *Bomeny's* Information concerning my Lords being used to be taken with sudden *Frensil* Passions and Fits, or that he was particularly taken with one, that morning before his death, but the contrary plain-

plainly intimated in the whole Information; and also acknowledged at Mr. Braddon's Trial, where though he says, that *my Lord was melancholy, yet he adds they took no notice of it, nor had reason to suspect any thing more than ordinary*; all which directly contradicts what the Villain told an eminent Dr. of the Church of England; namely, that his Lord was frequently taken with sudden Frenesial Passions; and in particular with one that Morning just before his death. For said the perjured Rascal; when the Earl of Essex saw my Lord Russel carried out of the Tower to be tryed, he struck his breast, and said, himself was the cause of my Lord Russel's misery, saying, had it not been for him, my Lord Russel would never have admitted my Lord Howard into his company. And that thereupon, seeing my Lord Russel like to be ruined by the Testimony of that Person, for whose Integrity he had engaged his Honour, he fell distressed. Now as this is directly repugnant, to the Testimony which his own Lady and all other Persons, who had the advantage of being known to his Lordship, do justly give him, affirming that he was the most sedate, best composed, and freest from Passions of all Men they ever knew; so there is not one word of it in his Information to the Coroners Inquest, though it would have been a stronger Evidence of my Lords murdering himself; than all that he deposed or swore besides. Truth being ever the same, whosoever is called to testify a Truth that falls within his knowledge, can give the same account of it a thousand times over, without the least variation from it or from himself; but a lye having no foundation, save what it has in the invention of the Author, easily escapes the memory, and lays the Reporter as often as he is called to repeat and declare it, under a continual liableness of inventing either something new that was not, or which is indifferent to what was in his former report, so that by the last Fiction he both detects and discredits the first. But secondly, as the informations of these two Witnesses, interfere with the Reports which themselves gave concerning my Lords Death to other Persons, so the Testimony of *one*, does directly contradict and supplant the Testimony of the other. For whereas Bomeny positively swears, That on the 12th of July, in the Morning, before my Lord of Essex was up, he sent the Footman home with a Note to the Steward, in which among other things he asked for a penknife for my Lord, and that when the Footman was gone, about or a little after 8 of the Clock, my Lord sent Russel the Warder, to the said Bomeny, who came and ask'd him if the Penknife was come, to which Bomeny replied, no my Lord, but I shall have it by and by; and that thereupon my Lord bid him bring him one of his Razors, which he went and fetched, and gave to his Lordship, who applyed himself there,

with

with, to pair his nails; *Russel*, in a direct contradiction to this, swears, *That on the 13. of July, about 8 or 9 of the clock in the forenoon, he was present when he did hear the Lord of Essex call to his Man Bomeny for a Penknife to pare his nails; and then for a Razor, which Bomeny brought him; and that thereupon my Lord went up and down the Room scraping his nails with the Razor. So that whilst Bomeny deposeth upon Oath, that my Lord called for the Razor, and had it delivered to him on the 12. of July, being Thursday, and the day before my Lord's death; Russel comes and swears, that it was on the 13. of July, being Friday, and the day on which my Lord was kill'd, that he ask'd for the Razor, and received it from his Man. We may with the same ease bring the time past, to be the time present or future, as make the 12. of July, upon which Bomeny swears he gave my Lord the Razor, to be the 13. of July, on which Russel swears it was delivered to him. And tho' this be such a disagreement in their Testimonies, that no wise and unbiass'd person can give credit to what either of them says, but is in Justice obliged to believe that both of them swore falsely; yet it is not the only thing wherein their Depositions contradict one another, there being a second thing, and as important as the former, wherein the Information of the one lies in a full contrariety to the Information of the other. For whereas Bomeny swears, that Russel push'd the Closet-door open where my Lord lay; which implies his using force and violence to get in; Russel comes and deposeth, that being call'd by Bomeny, he went to the Closet-door and opened it, the key being on the outside. Nor is it possible to reconcile what the one says in this particular, to what is declared by the other, unless we can make the unlocking the door with the Key, to be the same with the bursting it open in a forcible way. Yea as if it were not sufficient to demonstrate the falshood of both their Testimonies, that they do expressly contradict one another in two important and weighty particulars; there is yet a third, wherein their Informations do plainly cross and thwart each other; for whereas Bomeny swears, That upon looking through the chink of the Closet-door, he saw blood and a part of the Razor, without making mention of his seeing my Lord's Body, or any part of it; Russel comes and deposeth, that Bomeny upon peeping through a chink of the door, saw the Earl of Essex lying on the ground in the Closet, without adding any thing of his having seen blood, and a part of the Razor. Now besides that Russel swears a thing positively, which at most he could only swear upon Bomeny's Information; here is also a disagreement between the account of what Bomeny says he saw, and that which Russel affirms him to have seen. The two Elders who in the Apocryphal History are reported to have swornly falsely against *Susanna*, did not more evidently, nor in so many particulars inter-*

fere with, and contradict one another, as these two fellows, *Bomeny & Russel* appear to have done in their Testimonies concerning the *E. of Essex's* death. But alas! we have not been hitherto so happy, as to have this pretended Crime of my Lord *Essex's* cutting his Throat, to fall under the examination and cognisance of Persons of that Integrity and Uprightness, as well as Wisdom, which the calumnious accusation of Uncleanness fastned upon *Susanna*, had the fortune to do. And as the Informations of these two Rascals do plainly contradict each other; so in the last place we shall observe how one and the same Witness does in his Deposition thwart and gain say himself: For whereas *Bomeny* swears, that on Thursday the 12. of July, he gave the Razor to my Lord, who thereupon went to pare his nails with it; so he immediately adds, without the least congruity either to Sense or Grammar, that he the said *Bomeny* having given my Lord the Razor, went out of the Room into the passage by the door, on Friday the 13. Nothing can be more apparent, than that the foregoing part of the Information, relates wholly to Thursday: But at last, without any regard in himself to what he said, or relation in the next words to those which preceded, Friday is brought in contrary both to all Rules of *Syntax*, and the foregoing words of his own Testimony. For what was antecedently deposed referring wholly to what had fallen out and was transacted on Thursday, his immediately subjoining, That then he went out of the room into the passage by the door, ought by all the Rules of Speech, and the Measures of Sense, to relate to Thursday also: But Friday being the day on which the Earl of *Essex* was killed, and which as both *Bomeny* and *Russel* swear, was soon after his having received the razor; it was there fore needful, that in order to the giving some gloss to that part of their Information wherein they swear my Lord cut his own Throat, that Friday should be mentioned, tho' with never so much incongruity and absurdness. How conspicuous is the Righteousness of God, in suffering a Villain who had first consented to the murdering his Master, if not assisted in it, and then undertaken to transfer the Crime and Infamy from the Assassinatees, and charge it upon his Innocent Lord, so evidently to contradict himself in what he swears, as thereby to afford the World an uncontrollable demonstration both of the falshood of his own Deposition, and of his Masters being guiltless of what he accused him.

And as the many contradictions of one kind and another, which occur in the Informations of the Witnesses, do as so many prints and footsteps lead and conduct us to other Authors and Instruments of my Lord's death than himself; so the many irregularities which were committed about the Body by those who had the oversight & custody of it, before the Coroner's

Inquest had sat upon it, administer unto us new proofs, that the Earl of *Essex* was not *Felo de se*, but that he was treacherously and barbarously murdered by the hands of bloody and suborned Ruffians. By the custom of all Nations which is equivalent to a common and universal Law, but most especially by the known and always practised custom of *England*, the Body of a person found dead and supposed to have come to an untimely end, ought (if it be possible) to lie in the place and posture that it is found, till the Coroner's Jury have sat upon the Body, and enquired into the manner of the Person's death. Nor can we think that those in the House where my Lord was kill'd and found dead, could be ignorant of this custom, seeing it is so well and universally known to the meanest and most ignorant people of the Nation. Neither is there any thing more adapted and proper, as well as needful towards a discovery, whether a person have fallen by his own hands, or the hands of others, than this received custom and practice, is upon many frequent and repeated experiences, found to have been: For how many circumstances, not only may, but do often occur, from an observation of the site and posture wherein the Body is found, from an inspection of the marks, tokens, and impressions left upon the Cloaths which the party destroyed wore, and from a view, of the footsteps, symptoms, and signs, which the place where the Fact was committed, and the Body fell, may yield and afford; all which may have their usefulness and tendency, to give light unto the Jury that is to sit upon the Body, and whose Duty and Office it is to make enquiry into the manner of the person's death. But lest the Earl of *Essex* should have been found to have come to his end after another manner, and by other ways and means, than was safe or convenient for some people to have known and believed, therefore were all things otherwise carried, and the custom of the Nation in cases of this nature, not only neglected and despised, but with the greatest impudence imaginable violated and acted contrary unto: For besides their taking my Lord's Body out of the Closet where it was found, and by consequence ought to have lain, they did not only unclench, strip, and wash it; but also wash'd both the Closet where it was found, and the Lodging Chamber into and through which we must suppose the persons to have come, if any assassination was by the violent hands of others committed upon him. Yea, and as if all this had not been too daring in it self, and enough to administer a just suspicion to all Mankind, of some villany perpetrated upon the person of this noble Lord; they proceeded further, even to the carrying away the very Cloaths, which they would not so much as allow the Jury to see, tho' some of the Coroner's *Inquest* had the wit and seeming ingenuity as to call for them. I do not affirm, nor would I have

it

it thought, that all these irregularities were committed before the Coroner himself saw the Body ; for I have been well informed, and am fully satisfied to the contrary, and have reason to believe that he was prevailed upon to consent and give way to the doing of these absurd and illegal things : But that which I asst, and which will be proved, if occasion be, both by the several Members of the Jury it self, and by divers other persons, who saw the Body before the time of the Coroners Inquisition, is, that these irregularities were committed and done ere ever the Jury, who were to be the Judges of the manner of my Lord *Essex's* death, were admitted, or indeed could be to a sight of the Corps : For as the Coroner's Inquest neither sat upon, nor saw the Body till the 14. of *July* in the forenoon; so all these irregular things had been done the 13. being the same day on which my Lord was kill'd. Now besides many other circumstances which the Jury might have observed defective of, and serving to discover the manner of my Lord *Essex's* death, had all things been suffer'd to remain as they were at the moment when his Body was found ; and as they ought, according to the custom of the Kingdom, and the practice in all cases of that nature, to have done, there would have appeared three remarkable things to them, which had served to convince all Men, who had a spark of Reason, or degree of Honesty, that this great and honourable Peer, did not destroy himself, but was massacred by hired and suborned Ruffins. The first whereof would have been the *print of a bloody foot upon one of my Lord's Stockings*; which seeing it could not be an impression made by himself, must necessarily have been the effect of a most perfidious cruelty exercised upon him by others. Nor is this a fiction of mine, raised to vindicate the Memory of the Earl of *Essex* from the guilt and infamy of so base and enormous a Crime, nor given out to baffle and discredit the belief of the late Plot ; and deliver the Conspirators from the reproach and danger which that pretended Combination had derived upon them ; much less is it invented to defame the King, cast an aspersion upon the Government, and enflame the Nation ; but there are Eye-witnesses ready to swear it ; and one as remote from all likelihood of being the Author of a groundless and Romantick Fable, as any Man, affirmed it before the Coroner and Jury, when they sat upon an Inquisition into the manner of my Lord's death : For *Samuel Peck*, a Servant of the Earl of *Essex's*, and who had just brought the Provisions which *Bomeny* by my Lord's order, had written to the Steward for, as the perfidious Rascal was running down Stairs, crying out, that my Lord had kill'd himself, and that he had found his Body dead in the Closet, did thereupon, being surprized by *Bomeny's* report, run up into the Chamber, where he saw his Master lying in the Closet with a great

part

part of his legs reaching out of the Closet door, and the print of a bloody foot upon one of his Srockings, which so far convinced this honest and unbiassed Man, of violence committed upon the Earl of *Essex's* Person, that he immediately cried out, *They have murdered my Lord.* Nor is *Peck* the only Witness whom we can produce to testify this, but there are others also ready to confirm it upon Oath, whensoever his Majesty will be pleased to take them into his protection, and indemnifie them from the accession they are guilty of, to that horrid and bloody Murder. But before I dismiss *Peck*, there is one thing further observable, namely, that having among other things brought Wine for my Lords own drinking, *Russel* and others of that fellow's stamp and complexion who stood by, fell a jeering the poor Man, telling him the Wine came too late for my Lord to drink, but that he had brought it very seasonably for his Funeral. Nor is this the only circumstance which would have afforded the *Coroners Jury* matter of Evidence and Light, as to the manner of the Earl of *Essex's* Death, had not the Body been medled with, but suffered to continue in the place and posture as it fell; but there would have appeared a second circumstance of as great importance and signification in it self, and as serviceable as the former, to have discovered the barbarous violence committed upon this innocent and excellent Person. For not only *Mary Johnson*, the woman who was then Servant in the Warders house where my Lord was a Prisoner; and who affirms that she saw my Lords Body, as soon as either *Bomeny* or *Russel* did; but several other Persons besides her, have confessed, *That the neck, or middle of my Lord's crevat, was cut in four pieces.* Surely if my Lord (as *Bomeny* tells us) had taken off his Peruke and hung it up; because as the Villain would have the World believe, he could not so conveniently have cut his Throat with the Peruke on; he would for the same Reason, have much rather laid aside his Crevat, being no less than three times about his Neck, and more apt to hinder the accomplishment of that unnatural Fact (which the insidious and perjured Rascal hath endeavoured to father upon him) than the Peruke was. And therefore as it is unreasonable to think otherwise, but that the Earl of *Essex* would have laid by his Crevat, had he designed to commit that violence upon himself; so it gives just suspicion that he was Assassinated by others, that his Crevat was about his Neck, and cut through in so many places. And whensoever this Affair of my Lord *Essex's* death comes to be admitted to a fair and indifferent hearing, and a Pardon vouchsafed to such as shall give Evidence, it will be fully proved, that the bloody Miscreants came provided and furnished with an Instrument, which was able to conquer the resistance, which a Crevat, though thrice roll'd about the Neck was able to give it. And whereas one *Webster*, Bayliff of

the Tower liberty, being a Person who assisted *Mary Johnson* in stripping my Lord's Body, hath pretended to some, that it was he who cut the Cravat, as not being able readily to untie it; this may be easily demonstrated to be a story, purposely forged towards the avoiding the suspicion, which the circumstance of the Cravats being cut, by the same Instrument and stroke that gave my Lord the fatal and deadly wound, would have both begotten and cherished in the Minds of unbiassed Men. For besides that *Mary Johnson* who in conjunction with *Webster* stripp'd the Body, hath often asserted the contrary to this which *Webster* reports and gives out, it was not possible that the Cravat should be thrice about my Lord's Neck, when the wound and gash was made from the Neck bone behind the one jugular, to the Neck bone behind the other jugular; and not at all cut or touched by the Instrument wherewith that large and deadly wound was given. And as my Lord's Cravat, could not be tyed harder than he tyed it himself, without the intervention of some violent hand that had endeavoured to choak him with it, to hinder and prevent his crying out, so we cannot suppose that my Lord himself had tyed it so hard, but that it might have been easily loosed and untied without cutting of it. And as it was impossible that my Lord's Neck should swell, after the Gullet and both the Jugulars were cut, which if it could have done, might have been a means and occasion of the Cravats being more strait and close about his Neck, so no rational Man can apprehend, but that had it been never so strait, they would have taken pains and found away to untie it, especially having a prospect of enjoying it themselves, it being usual in *England*, that they who strip a dead Body, are recompensed with the gift and possession of all the Cloaths which they find about it. And therefore as *Websters* pretending to have cut the Cravat when he assisted in stripping the Body, is both a confirmation that it was about my Lord's Neck when he was killed, and that it was cut into so many pieces as I have declared, so the having made it evident that this pretence of *Webster*, as to his cutting the Cravat at such a time, is a forgery and fiction of his own; I may from the whole very justifiably conclude, that this Report was invented to suppress the Evidence and Light, which this circumstance would have given into the manner of my Lord *Essex's* death, and to prevent the questioning such, as might thereupon have been suspected and apprehended for assassinating and murdering that Vertuous and Noble Peer. But besides the two foregoing circumstances, which would have served to detect the manner of my Lord's death, and the violence which had been used to bring him to his untimely End, there was a Third of as great weight and moment as either of them, which had the Body been suffered to continue in the place, posture,

and

and condition as it fell, would have clearly discovered the Perjury of *Bomeny* and *Russel*, and wonderfully contributed to the unavailing and laying open the whole Mystery of this barbarous Murder. For whereas both *Bomeny* and *Russel* not only swear that the Closet door where my Lord fell, was lock'd when they came up to it, but that upon opening the door they found him lying all along on the Closet Floor; *Peck* the Servant that had brought the provisions to my Lord just as *Bomeny* pretended to have found him dead, and who upon *Bomeny's* meeting him on the stairs and telling him that my Lord had killed himself, run immediately into the Chamber, is ready to depose upon Oath that he saw the Earl of Essex's Body lying in the Closet, with a great part of his legs without the Closet door. Which Testimony as it shews the falshood of those two Rascals Informations in swearing that the Closet door was lock'd when they came first up to it; so it ought to have credit given thereunto, as proceeding from one that could hope for no advantage by telling a lye; nor fear any danger from declaring the Truth, while on the contrary *Russel* and *Bomeny* were suborned and brib'd to attest a forged story and knew themselves liable to be hanged for their accession to my Lord's Murder, had they related the matter as it really was. Yea this posture wherein *Peck* declares he found my Lord's Body; namely, three quarters of it lying in the Closet, and one quarter out of it, must have awakened the Jury had they seen it in that condition, to suspect and apprehend, that some preceding violence had been offered to his Person near the Closet door. But as the removing and stripping the Body, and washing both it and the two Rooms before ever the *Coroner's Inquest* was admitted either to see it, or to view those places where the Tragedy had been acted, deprived them of the knowledge of the foregoing circumstances, (and possibly of many others as weighty and important) which would have served to have led them into this Mystery, and enlightned them about the manner of my Lord Essex's Death; so nothing can be more convictive of some violent and unlawful course and means, made use of to bring him to that deplorable and untimely End, than the irregularities committed upon and about the Body, before the Jury either sat upon, or so much as saw it.

That which we advance unto in the next place, as fresh matter of proof that the Earl of Essex was not *Felo de se*, but that he perished by the violent hands of bloody Assassins; ariseth partly from the carriage of the Jury it self, which was trusted with the inquisition into the manner of his Death, and who as Men of little Sense or Reason, and of less justice and honesty, gave it upon Oath that he did voluntarily and feloniously

cut his own Throat; and partly from the behaviour of others towards the Jury both in confining and abridging them to shorter time than was necessary to a suitable and thorough Enquiry into so great an Affair, and in denying and with-holding from them those means of being enlightned in that matter, which it was their Duty to require and the Duty of others to grant, and without which they could not judge themselves enabled to give a true and just *Verdict* concerning the manner of that Noble Man's Death: And the first thing that occurs in the carriage of the *Jury* which makes it suspected that even they did judge the manner of the Earl of *Essex's* Death a business of too much hazard to enquire narrowly into, was their *Partiality* in examining those few Witnesses which they called before them, and their giving too hasty and undeserved credit to two Fellows of whom they had reason to be jealous as interested in that Murder, against the information of an honest and unbiass'd Person. With what not only coldness but apparent loathness to be truly informed, did they examine *Peck* as if they had dreaded to hear any thing which might shake their belief of the Earl of *Essex's* having killed himself, or which might oblige them to accuse and charge others with the guilt of his Murder, while in the mean time they greedily hearkned to whatsoever *Bomeny* and *Russel* swore, tho' it suff'd with all the inconsistencies and contradictions imaginable? How little esteem and value did they set upon the information of poor *Peck*, tho' they could not but know that he was a Man whom none could have endeavour'd to prepossess, and who was neither under the influence of hope or fear to testify any thing but what he saw; while in the *interim* they paid an implicit faith to the self and one another contradicting depositions of *Bomeny* and *Russel*, whom they might easily have suspected not only to have been prompted and taught what they were to say, but to have been both deterred by the apprehension of punishment from declaring the Truth, and sway'd by Rewards to swear and publish a Falshood? But there is a *Second* thing wherein the *Jury* were partial and defective in their Enquiry into the manner of the Earl of *Essex's* Death, and which by consequence shows that if not all of them, yet some and they such as conducted the rest, did either know or were jealous of a Mystery in the way of that Noble Man's coming to his fatal end, which they were not willing, and judg'd it not for their interest to dive too far into. For albeit there were more Persons than *Russel* and *Bomeny* then in the House when my Lord's Throat was cut, yet I do not find that they did, or were willing to examine any others. Now amongst those that were in *Hamley's* House at that season when that bloody Fact was committed upon this honourable *Per*, there was one *Mary Johnson* who

who amongst many other things which she declares, affirms particularly *that being just entred my Lord's Chamber as Russel and Bomeny were opening the Closet door, she saw the Body as soon as either of them did; and yet this Woman whom the Coroners Inquest were bound by the Laws of Justice as well as the Rules of Prudence to have examined, was never so much as called upon, nor ask'd a Question concerning that matter in a judicial way. And we have the more reason to complain of the Juries neglect and infidelity in this particular, because she has often reported, and professeth her self ready to depose upon Oath, diverse things, which are wholly inconsistent with what Russel and Bomeny have informed. For while they depose that they found my Lord's Body lying along in the Closet, and the Razor lying by him on the Floor, This Woman Mary Johnson both hath and doth still report, that my Lord of Essex was found kneeling on both his knees with his Body leaning against the Wall, and that the Razor was in his hand, the blade being lying upon his Forefinger, and the handle hanging down between that Finger and the Thumb. And while they swear that it was not above a quarter of an hour and a half, from Bomeny's delivering the Razor to his Master, till the time of their finding him dead in the Closet; She positively avers and affirms, that the Body when at first found was cold and stiff, which it could not be at that season of the year in a much longer time than their Informations do specify and allow. I do not say that what She affirms was true, no more than I believe that what they inform was so; but I say the contrariety which (had she been examined) would have appeared in her Testimony to theirs, might have served to convince the Jury, and is sufficient to satisfy all Mankind, that things were not as they are declared by any of them, but that the manner of my Lord's Death, and the posture wherein the Body was found, being otherwise than was safe for them to disclose and reveal, each of them in order to hide and conceal the Truth, and for the sheltering both themselves and others from Justice, fram'd a story of their own concerning that matter, whence it came to pass that they so widely differed one from another in their several and respective Reports. And as the carriage and behaviour of the Jury in their Inquisition after the manner of the Earl of Essex's Death, does plainly shew that there was a secret and hidden Villainy in that matter which some of them were either forbidden or afraid to ravel into; so it serves to depress and take off the credit of that Verdict which they gave in concerning his having murdered himself. But let us in the next place observe and consider the behaviour of other Persons and those acting by no meaner Authority than that of the Duke of York, towards the Coroners Inquest when they were met*

and sat upon the Body ; and we shall from thence also be furnished with new proofs and further evidence, that the Earl of *Essex* did not destroy himself, but was brought to his unfortunate and untimely end, by Instruments whom they would not have known, and by means which they durst not admit to have narrowly searched into. For whereas according to the saying of the *Poet*, which my *Lord Chancellor Finch* was pleased to quote at the Trial of my *Lord Stafford*,

Nulla unquam de morte hominis cunctatio longa est.

Juven. Sat. 6.

*That we can hardly proceed slowly, nor search diligently enough in what concerns the life or death of a man ; so there were many singular and weighty reasons, arising from the worth and quality of the Person, the place and condition my Lord of Essex was then in, the benefit or prejudice which were likely to ensue to others, as his death should be found to be compassed by this or that means, which should have influenced the Jury to use all the utmost scrutiny and diligence imaginable in their Enquiry into the manner of that Noble Man's death. But instead of this, the Jury was little sooner met (which by the way was at a publick house in the Tower whether the Coroner had adjourned them after they had seen the Body) than a message was sent them to make haste in their Inquisition because one waited to carry it to the King. Not that I would perswade the World they had any Authority from his Majesty to use such an Expression, or that the King was not willing they should take time to examine things thoroughly as well as with gravity and leisure, but that there were some great Men and very near his Person who gave order to make use of his name, in order to the preventing the reproach and publick guilt, which a due, calm, impartial, and leisurely Enquiry of the Jury into that matter, would have subjected and made them obnoxious unto. Nor can I believe that *Hawly the Warder* who was one of those that sent the forementioned Message to the Jury, either would or durst have done it, and much less have named the King, but that he had express command and warrant from some in power for the doing of it, and that there were some Men of the first quality, who for reasons well known to themselves, were exceeding backward and averse to the having the manner of the Earl of *Essex's* death too critically searched into. But besides the method which I have mentioned that was used towards the Jury to hinder a due Inquisition into the matter they were met about, and to frighten and intimidate them from tracing things too far, there was a second passage and much more astonishing than the former, in the behaviour*

riour of some people towards the Coroner's Inquest, while they were assembled and sitting about the Earl of *Essex's* death: For one of the Jury having observed, that tho' they had been admitted to view the Body, yet they had not seen the Cloaths which my Lord wore when he was kill'd, but that they had been taken off, and were carried away, did thereupon ask to see the Cloaths which my Lord had on when that unfortunate thing fell out, and in which he was found dead. One would think, that a more modest, just, and necessary demand, could not have been made; and I take the confidence to say, the Jury ought not to have proceeded to a Verdict, till they had been complied without it, unless upon the denial of so righteous a Request, and the refusal of a matter that was so necessary, as well as useful, to inform them, they had proceeded as in Duty and Conscience they ought, to acquit my Lord from having committed any violence upon himself, and have cast this horrid Murder upon others; For instead of being gratified in the demand of seeing the Cloaths, the Coroner was immediately called into the next Room, where some Gentlemen were attending (and amongst others, the person I have just now mentioned) who having over-heard what was asked for, severely check'd and rebuk'd him for suffering such Questions to be proposed. And this mercenary or at least cowardly Soul, *Farnham* the Coroner (if I may so call him, being but the Coroner's Deputy) returning back to the Jury, after having received the reprimand & rebuke, told them, *They were call'd to sit on my Lord's Body, and not on his Cloaths, and that it was sufficient they had seen the Body, and received an acconnt upon Oath how it was found.* O faithless and nonsensical Man! as if because they were to sit upon the Body, they might not be allowed a view of the Cloaths in which it was array'd, when this noble Person received his fatal and deadly Wound: But, stupid Fool! whom if thy Place and Office had not made an Esquire, thy Honesty and Wit never would; didst thou think that it was merely the Body of the Earl of *Essex* thou wast to sit upon, whilst thy business, Man, was to enquire by what means, and after what manner my Lord himself came to that unnatural, violent, and untimely end? And therefore as thou sat upon the Body merely in order to the receiving light and information into the manner how my Lord's Person came to be destroyed; so if thou hadst not renounced Conscience, as well as Courage, thou wouldst have desired a sight of the Cloaths, in subserviency and order to the same end. Nor can any rational Person otherwise judge, why the Body was first stripp'd, and the Cloaths afterwards with held from the view of the Jury, when demanded by one of them to be seen, but because something or other remarkable would have been found upon and about them, which would

would have overthrowen the Informations of *Bomony* and *Russel*, and made appear my Lord's being murdered by others, instead of perishing by his own hands.

To all that we have hitherto said in vindication of the Earl of *Essex* from the guilt and infamy of having been a *Felon of himself*; and in proof that he was most treacherously as well as barbarously murdered by others, we shall in the next place give an account of some remarkable passages which were observed in the Tower that morning my Lord was kill'd; which will not only inform us there was something requiring great secrecy then transacting, but will conduct us home to the Authors and Authorizers of that villanous and ever-to be abhorred Assassination. The first thing then remarkable was, that the Gate of the lower end at those Apartments in the Tower, where the Earl of *Essex*, and all the other Gentlemen committed for the late pretended Plot were lodged and secured, and which always used to stand open from Morning to Evening, was all that Morning kept shut till after my Lord of *Essex* was dead, except that it was once opened to let out my Lord *Russel* to his Trial, being immediately after he was gone, lock'd up again. And as this could not escape the sight of the Persons who were then confined, so it gave that surprize to some of them, being a thing which had not fallen out before, that one Gentleman in particular called to his Warder, and ask'd him the meaning of it, and received for answer, that there was special Order given for it. Nor is it difficult to guess the reason of the Order, and upon what motives, and in reference to what end, Command was given for keeing the said Gate shut up all that morning, till after the Earl of *Essex* was kill'd; for the Stage and Theatre upon which the bloody Tragedy was to be acted, being within that Gate, it was needful to keep people out as much as they could, to prevent the discovery of the Actors, unless it were such as had their parts in some of the Scenes, or would be sure to give their *plaudite* to the whole. A second passage very remarkable, which was observed in the Tower that morning, and which speaks as loud to the matter we are upon, as the former, was, that the King and Duke having been at the Lieutenant's house, which is about the middle of the Alley, where my Lord of *Essex* and the rest were imp.isoned, and having stood in a Balcony, with a few attending them, to see my Lord *Russel* pass by to his Trial, the Duke did soon after, with several waiting upon him, withdraw from the King down into the Alley, the Gate whereof was still kept shut. Surely it could not be the pleasure of the walk that made the Duke leave his Majesty at that season, but he had something to give Order about, and to see the managing of, which was of more moment than his Princes Company,

pany, and which his heart was infinitely more set upon. The Third and last thing which fell under the observation of divers then in the Tower, was that the Duke having withdrawn from the *King*, there were several Persons immediately sent and dismissed from his very lodgings towards the Earl of *Essex* lodgings, who returned not till after the death of that Noble Person, that they came and gave an account of the obedience they had paid to his Highness Commands, and that the Earl of *Essex* was killed, pretending he had cut his own Throat, thereby murdering his Memory after they had Assassinated his Person. It may be expected that I should here mention the Names of those that were sent upon that barbarous errand, but there being some of them, who may be improved and made serviceable to detect the villainous Crime they were assisting to commit, it is but Justice to our selves as well as to them to conceal their Names. And to publish the Names of the rest, were but to set a mark upon the former, and expose them to the rage and power of St. *James's*, by not proclaiming them in conjunction with the others. But this offer I renew again both to his *Majesty* and his Ministers of Justice, that if a *melius inquirendum* into the manner of my Lord *Essex's* death, may be ordered, and an Indemnity granted to such as shall be willing and able to detect, by whom and how he was murdered; then shall the Names not only of the Ruffians who committed the bloody Fact, but the Names of the Conspirators, who were the Contrivers, Authors, and Encouragers of it, be both discovered to his *Majesty* and judicial Officers, and published to all the World.

The only thing which remains to be discoursed of, in confirmation of the Earl of *Essex's* being murdered by others, and that he was not *Felo de se*, is That of a bloody Razors being thrown out of his Chamber window, before any noise of his Death, or the least intimation that he was killed. And indeed this of a bloody Razors being thrown out of his window has already made a great clamour in the World, and was the first thing which raised a suspicion that my Lord had not destroyed himself, but that he was Assassinated by others. For as it was impossible that after his Throat was cut he should throw it out himself, so it could not be cast forth by others, before the Body is pretended to be found, or any declaration made that he was killed, unless it was by such as were present in the Room when he was slain, and who were instrumental in his Murder. Nor can any account be given why they did it, but that God infatuated them, thereby to detect the Villainy they had committed. And it seems they had no sooner recollected themselves, but they were sensible it would not serve the End they had designed it unto, namely, of making the World believe he had cut his own Throat, and in

Revenge upon the instrument wherewith it was done, thrown it away after
 the deed was performed, and therefore they immediately both caused it to
 be taken up, and carried back into the Cloſet, and have had the impudence
 ever ſince, to deny that ever ſuch a thing was done. Nor can the Story
 which a certain Gentleman at *White-Hall* had formed for them, ſtand them
 in any ſtead, viz. That *Bomeny* finding my Lord dead in the Cloſet, and
 the Razor which had been the Inſtrument of his death lying by him, and
 that thereupon being ſtruck with ſurprize and aſtoniſhment, at ſo unex-
 pected and deplorable an accident, he took up the Razor, being acted by
 grief and indignation, and not minding what he did, threw it out at the
 window. For beſides that, the Razor was thrown out of the window
 before there was the leaſt noiſe of my Lords death, this gloſs and qualifica-
 tion was invented too late, to ſerve the end it was deſigned unto, ſeeing
Bomeny's and *Ruffel's* Examinations with which it is inconfiſtent, were pub-
 lick before. Now in proving that a Razor was thrown out of my Lord
Effex's window, before the news and tidings of his death, I would not be
 thought to acknowledge, that it was a Razor wherewith the mortal and
 deplorable wound was given him, being well aſſured that it was with an
 inſtrument much more proper for the purpoſe, than that would have been ;
 but that which I intend by the proof hereof is partly the overthrow and
 ſubverſion of *Bomeny's* and *Ruffel's* informations, upon which the Inquiſition
 and Verdict of the Coroners Inqueſt was built, and partly to eſtabliſh and
 evidence that antecedently, to the noiſe and report of my Lords death, there
 were ſome Perſons in the Chamber where he was killed. Which laſt if
 once obtained, it will I ſuppoſe be thence readily granted, that they were
 not there to be idle Spectators of my Lords cutting his own Throat ; but
 that their buſineſs was to perpetrate themſelves that barbarous Fact upon
 him, though for the concealing their guilt and avoiding the Juſtice and Se-
 verity of the Law, they have endeavoured to caſt the reproach and infamy
 of it, upon that innocent and injured Perſon. The firſt who reported and
 divulged the Story of a bloody Razors being thrown out of the Earl of *Es-*
ſex's window, before there was any news of my Lords death, was one
William Edwards, a Youth between thirteen and fourteen years of age, who
 having heard as he was going to School, that the King and Duke were in the
 Tower, went in to ſee them, and continuing there ſometimes in one place
 and ſometimes in another all that morning, came home about ten of the
 clock to his Mother, and told the Earl of *Esſex* was killed, and that while
 he, (the ſaid *Edwards*) ſtood near the Earls lodgings, looking up towards his
 the Chamber-window, he ſaw a hand caſt out a bloody Razor, which being going

so takes up, there came a short Maid or Woman with a white hood on her head out of Captain Haulle's house where the Earl lay, and took up the Razor which she immediately carried into the Captains house, and run up stairs; and that soon after he heard one cry out murder. All this the Boy hath frequently repeated and averred to his Father, Mother, Sister, and to one Mrs Burr, as well as to Mr. Braddon, as those four Persons deposed upon Oath at Mr. Braddon's Trial, yea, the very Boy himself did confess and acknowledge in Court that he had said and reported it. 'Tis true that after he had often affirmed it, he was at last by the flatteries of some and the menaces of others brought to say he saw no such thing as a bloody Razor thrown out of the Earl of Essex's window, but that the whole which he had reported relating thereunto was feigned and invented by himself. For having been told by his Sister that through persevering in his first Report he would not only ruine his Father and the Family, but that he would bring both himself and his Father to be hanged; he thereupon under the influence of dread and fear retracted what he had before affirmed. But whether there ought not more credit to be given to his Affirmation, than to his Denial, I dare referr it to the Judgment of all impartial Men, who have either heard of the Method used towards the Boy at the Council-Board, or who have read the carriage and behaviour of my Lord Chief Justice and the Court of King's Bench in this matter at the Trial of Mr. Braddon. And as I was amazed my self on the perusal of the Trial, to observe with what impudence and barefacedness they not only discovered the means used by others to influence the Boy to forswear himself, but the arts and tricks in huffing on the one side, and cajoling on the other, whereby the very Bench drew him into and cherished him in Perjury; so I never had the fortune to speak with a Man that was wise or honest, but he was forced to acknowledge that the Boy's first Report in saying he saw a bloody Razor thrown out of the Earl of Essex's window, seem'd natural, plain, candid, and true, whilst his denying what he had so often affirmed to have seen, appeared evidently to be wheedled out of him, or by reason of the dread and fear wherewith they had possess'd him, wrested and extorted from him. How gross as well as unbecoming was it for my Lord Chief Justice when old Mr. Edwards had upon his Child's being sworn, * charged him in the presence of Almighty God to speak the Truth and nothing but the Truth, I say for my L^d C. Justice to bid the Child turn about and say Father be sure you say nothing but the Truth. For as the Father's command to his Son does plainly intimate the jealousy he was under concerning the Boy's being wrought

wrought upon to perjure himself; so the Reply which my Lord Chief Justice advised the Child to make to his Father, did, besides the irreverence towards a Parent whereof it savoured, directly insinuate the apprehensions he had, lest the Father's Christian counsel should fortifie the Child to assert the Truth. How palpably as well as shamefully did my Lord Chief Justice betray and reveal their entangling the Boy to swear a lye, by the rage as well as superciliousness wherewith he treated Mr. Wallop (a Person not only to whole Age Honour is due, but who in all the qualifications of a Gentleman and the accomplishments of a Scholar in all other Learning as well as the Law, infinitely transcends and exceeds his Lordship) and for no other reason but because Mr. Wallop would have ask'd young Mrs. Edwards, * whether she had not told her Brother that the King would hang his Father if he did not deny what he had so often affirmed to have seen. And tho' it was a Question the answering whereof, would have unfolded and laid open the means by which the Boy was brought to retract what he had formerly declared, and would have confirmed the Truth of his first Report, yet my L. C. Justice instead of suffering any Answer to be given to it, not only upbraided that ancient, learned, and worthy Gentleman, as if he had intended to have charged the King with a design of hanging Men, or else of making them deny the Truth (both which were far from his thoughts and the intention of the Question) but having huff'd and hector'd him did threaten him with the animadversion and correction of the Court for reflecting upon and aspersing the Government. Nor is young Edwards the only one who hath declared that he saw a bloody Razor thrown out of the Earl of Essex's Window before any noise or rumour of his death, but there is also a Girl, one Jean Lodeman, of about thirteen years of age, who being in the Tower that Morning the Earl of Essex was killed, and standing over against his Lodgings, came home and told both her Aunt and others about ten of the clock, that it was reported the Earl of Essex had cut his Throat, and that she had seen a hand cast a bloody Razor out of the window where the People said that my Lord lodged. And as this Girl had no acquaintance with or knowledge of the former Boy, and consequently they could not agree together to form and invent a *Romantick* and fabulous Story, nor to concert the particulars which they were to report; so it is observable that their Relations do harmonize and accord in all the main heads, and only seem to differ in one thing, which the Girls unacquaintedness with the several parts of the house where my Lord lodged, led her into a mistake about. For they both agree that there was a Razor thrown

out

S. 11. 11. 11.

* Bradden's Trial p. 43.

out of the Chamber window before Murder cried out, and that this *Razor* was *bloody*, and that immediately there came a short *Maid* or *Woman* out of the house with a white hood upon her head, who went towards the place where the *Razor* fell; which as they are all the material things requisite to the confirmation of the Fact, so being wholly strangers to one another they could not before hand concert them, nor agree the things they should report. Had one said it was a *Knife* that was thrown out of the window, which the other had affirmed it was a *Razor*; or had one denied it to be *bloody*, while the other had reported that it was *so*; or had the one mentioned a *Man* as having come out of the house towards it, while the other spake of a *Woman*; there would have been then some reason for the *Ridiculing* it as a Fiction, seeing the contradicting one another in the essential circumstances of the Report, would have detected the falshood of the Reporters. And it must argue great perversness as well as strange prepossession of Mind, to pretend to disbelieve the Story because the Children seem to vary one from another in a little and minute thing, when in the mean time there is the greatest harmony imaginable between them in all that is of moment for the establishment and assurance of the reality of the Fact. And therefore whereas towards invalidating the *Girls* Testimony it was objected by my *L. Chief Justice Jefferrey's* that *she* should say the *Razor* was thrown out of the *Closet* window, when the *Boy* had said † that it was thrown out at the *Chamber* window; this pretended inconsistency between the two may be easily removed to the satisfaction of all rational Men, and the eternal reproach and Infamy of *Sir George Jefferrey's*. For indeed *she* said no such thing, nor did *she* know the *Closet* window from the *Chamber* window, nor so much as which was my *Lord's Chamber*, but as *she* heard declared by the Standers by. All that the *Girl* did affirm was, that * *She* saw a hand throw a *bloody Razor* out of a window, which as the People discoursed, belonged to the house where the *E. of Essex* lodged. Nor did the objection arise from what the *Child* herself deposed in Court, but it was started from the Deposition of one *Glasbrook*, who informed of the *Girls* having told her *Aunt* that the *E. of Essex* had cut his Throat, and that *She* was sure of it because *She* saw him throw the *Razor* out of the window, and that it was all *bloody*. Now because the *Closet* was the place where my *Lord* was found dead, they would infer that *She* meant the *Closet* window, and thereupon conclude the Story to be false, both because of the impossibility that himself should throw the *Razor* out, and the contrariety which they would have supposed to be in this expression

† Braddon's Trial p. 66.

* Braddon's Trial p. 47, 48.

to what the *Boy* had reported. Whereas the phrase does only shew the simplicity of the Child, but does in no wise argue the falsity of the Report. And the account which *She* gave of the place where *She* stood; namely, * in that part of the *Tower* called the *Mount*, plainly shews that she could not mean the *Closet* window, but the window of the *Chamber*. And had the *Court* of the *King's Bench* had but the justice and integrity which became Men in their places, one Question of the *Judge* and the *Child's* Answer to it, would have clearly decided whether *She* meant the *Closet* window, or that of the *Chamber*. For had they but ask'd her whether the window out of which the *Razor* was thrown, stood towards the *Forestreet* or the *Back yard*; the objection would have immediately vanished; seeing, considering the place where the Child was then standing, she must have answered that it look'd towards the *Fore-street*; nor was it possible for her to see any thing thrown out of the *Closet* window, unless she had stood in the *Back yard*, which she neither did, nor was so much as ever there. But by the asking such a question Sir *George Jefferey's* would have lost the advantage not only of ridiculing the whole matter about the *Razor*, and of devolving the Murder of the Earl of *Essex*, upon himself, but of skreening the Malefactors from Justice, and possibly of ruining Mr. *Braddon*, which were things of too great concernment to *St. James's*, to let an occasion and pretence of compassing them escape him, especially at the cost of a little meekness, patience, and justice in his *Lordship* in receiving a Deposition and examining a Witness. Now this Objection advanced by my *Lord Chief Justice* against the Truth of the *Girl's* Testimony, being fully and to the satisfaction of all impartial Men removed and taken off, all that absurd and nonsensical stuff, which through his having wrested the Child's words, he superstrucks upon his own Dreams and Fictions, does of its own accord, and without its being needful for me to interpose any thing by way of remark upon it, fall to the ground. Nor will any Man of common sense henceforth imagine that the *Coach* which the Child says she saw at the *Door*, must therefore have been in the *Back yard*, and consequently been droven through the narrow *Entry* and *Door* of the House; seeing it is evident from what hath been here discoursed, that she meant the *Fore-door* and not the *Back*, and to that there was no difficulty of Access. † And with the same ease may all that *Captain Hawley* and my *Lord Chief Justice* declare about the height of the *pales*, and the impossibility of throwing any thing out of the *Closet* window over them, and especially of seeing it when thrown over and lying upon

* *Braddon's Trial*. p. 47.

† *Bradd. Trial* p. 58, 69.

upon the ground, be dissipated and blown away; because it was not the pales encompassing the back-yard, which the Girl's Testimony referred unto, but those to which her Deposition related, are the pales which face and fence the forepart and front of the House. O the Chicanery and fraudulency of a mercenary Lawyer, instead of the uprightness, and integrity of a just and impartial Judge! Nor could my L. C. Justice have taken a more expeditious and effectual Course to proclaim his own Villany, than he hath done, by endeavouring to ridicule and expose this poor Child's Testimony in the foregoing patticular. And whereas * Mr. Justice *Holloway* was pleased to except against the Deposition of the Girl in another particular, namely, that whilst she swore the Razor fell within the pales, the Boy had said that it fell without them; I do return this by way of Answer to it. First, that the Reports of the two Children are much more easie to be reconciled, than the Observation of Mr. Justice *Holloway* upon this point, is to be reconciled with that of my Lord Chief Justice *Jeffrey's* concerning the same. For whereas Justice *Holloway* would have the contradiction between the Informations of the Children to lye in this, † *That the Girl said the Razor fell within the pales, and the Boy said it fell without; my Lord Chief Justice will have it to lye in the Girl saying the Razor was thrown on the outside, while the Boy had said it was thrown on the inside.* I am sure one of these two Judges must be mistaken, seeing it is impossible that two accounts of the same thing so clearly contradictory the one to the other can be true. And indeed the mistake lies with my Lord Chief Justice *Jeffrey's*, (whom Passion had transported to that degree, that he neither duly minded what himself or others said) in affirming that the Girl should say, the Razor was thrown on the outside the pales, when she had expressly sworn that it was thrown on the inside of them. But then secondly, as to the inconsistency between what the Boy informed, and that which the Girl deposed, I say that young *Edwards* had both in Words, and by imitating the posture and motion of the hand out of which the Razor fell, frequently declared that it was cast on the inside of the pales. His Father, Mother, and several others are ready to depose that when he first told the Story of the Razor, he expressed it by saying that it dropt out of a hand from the Earl of *Essex's* window; which did plainly signifie that he meant it fell on the inside of the pales. And whensoever he used to imitate the motion of the hand from which the Razor fell, he did put it into such a downright posture, as that all who observed his imitating what he saw done, concluded that the Razor fell on the inside the pales. Nor was he ever heard

* *Braddon's Trial*, p. 45. † *Bradd. Trial*, p. 45. compared with p. 39.

to say that it fell on the outside of the pales, save only that time that Mr. Braddon took his information in writing, when his Sister by endeavouring to threaten him into a denial of the whole matter he saw, had put him into such a fright, that either he could not remember, or did not mind every little circumstance of what he as well saw, as had often reported before. And it is remarkable that neither himself at Mr. Braddon's Trial, where he repeated and acknowledged what he had formerly reported, nor any other Witnesses who appeared at the said Trial to testify what they had heard him say, did in the least mention his having at any time said, that the Razor fell on the outside of the pales; but on the contrary his Mother does so Word her Deposition, as serves to prove that she believed he always meant the inside of the pales, for she swears, * *That he said he saw a hand out of a Window, and a Razor fall down.* And as the whole matter of a Razor's being thrown, or let fall out of the Earl of Essex's Window, immediately before the noise of his Death, will be attested by several other Persons when there is occasion, so the Sentinel *Meak* whom we have formerly mentioned, not only reported it to divers Persons, both that morning my Lord was Killed and afterwards, but he added two or three remarkable circumstances some whereof the Boy had not taken notice of, nor the Girl observed others. That which *Meak* then declared to three Persons the very day my Lord was killed, and which they are ready to swear when called thereunto, is, *That just before the Earls death was publicly known, there was a bloody Razor thrown out of his Chamber window, which was seen by some of the Soldiers as well as by others, and whilst a little Boy who had seen the Razor thrown out, run towards it to take it up, a short Maid or Woman that came out of the House where the Earl of Essex lodged, was too quick for the Boy and snatched up the Razor, and having run in with it to a House, Murder was soon after cryed out.* Thus we have not only a confirmation from a third Person, that there was a Razor thrown out of the Earl of Essex's Window, before any tidings of his Death, and that a Boy went to take it up, but was prevented by a short Woman from Captain Hawley's House, who took it up and run in with it, the last passage of which the Girl had not observed; but we have also a ratification of a passage the Girl swore, which the Boy gave no account of, namely, that there were divers other Persons standing by, who saw this bloody Razor thrown out of my Lord of Essex's Chamber Window. Nor is it strange that every little thing should not be equally minded by all; but it is enough to set this business beyond the control of all rational Men, that it hath been declared by two, besides the Boy, whereof as none of them can be

sup.

supposed under any prevalent Temptation to feign such a story, so it was impossible that three persons altogether strangers to one another, should at one & the same time, & in three different places, conspire & agree to report the same thing. But to all these proofs drawn from the Testimonies of several Persons, concerning a Razor's being thrown out of the Earl of *Essex's* Window, before the news of his death; there is another evidence as convincing as any of them, which may be deriv'd from the Razor it self. And that is, the several gaps or notches which were found in it, when the Jury saw it, and had the account of its being found by my Lord's Body, and of its being the Instrument wherewith, as they said, he had cut his Throat. For besides one large gap or notch in the point, into which a Man might almost lay the end of his little finger, it was for about two inches towards the handle, so gapp'd and notch'd, that the edge was wholly broken off; and yet all the part of the Razor, which extended from the notch at the point, till within two inches of the handle, was so far from being gapp'd, that it remained very keen and sharp. And this of the notches in the Razor was so remarkable, that some of the Jury not only observed it, but asked one of the Chyrurgeons who was by, whether my Lord cutting his Throat, could have made these notches in the Razor; to which the Chyrurgeon answered he might; but whether it was from his being Fool or Knave, or both, I leave others to judge: For I am sure the reason he assign'd from the *Tremefaction* that was in the hand by that time the Razor reached the Neck-bone, is ridiculous in it self, and can satisfie no rational Man: And had this ignorant or suborned Fellow, considered the position and site of the notches, he would have both understood the falshood of his Reply, and how absurd the reason was which he endeavour'd to justify & support it by: For admitting at the present that the gap at the point might have been so occasion'd, which yet was impossible for reasons assigned before; yet how was it possible that that part of the Razor which was towards the handle, and which must be grasp'd or held in the hand, otherwise the Razor could not be used, nor the Wound given, should be the most notch'd and gapp'd, seeing all must gratt that it was so far from approaching the Neck-bone, that it could not pass beyond the skin and outward part of the gullet? surely the same part of the Razor could not at one & the same time, be held fast within the hand, & the grating also upon and against the Neck-bone: This is so obvious to every Child, that I know not how to ascribe the Chyrurgeons answer to his ignorance, but must either impute it to the Consternation which so tragical an accident had put him into, that he remained not Master of common sense; or it must be resolv'd into a worse cause, namely, a fear of tracing the Murder of

of that honourable Person, to be true and real Actors of it. Nor can the Conspirators against the life of that noble Peer, avoid the strength and evidence of this Argument, but that the Razor must have fallen both from some considerable height, and upon some resisting sharp and hard substance, or that otherwise it could never have been gapp'd and notch'd as it was. And I dare upon this Theam challenge *Roger L. Estrange* to do his utmost, though I know he hath as good a faculty as ridiculing and baffling Reasons which he cannot answer, as my Lord Chief Justice *Jeffrey* has at exposing and hectoring Witnesses, the Truth of whose Testimony he cannot otherwise avoid.

Thus I have finished what at least I judge fit and proper at this time and juncture to be said, concerning the barbarous murder and unparalell'd massacre, as well as the violent and untimely end of that honourable & innocent person, *Arthur late Earl of Essex*; and do greatly rejoice that I have been able to do this piece of service to God and my Country, as well as to the Memory and Vertue of that Excellent Man: For though thy Friends, Great *Essex*! were not so happy as to prevent thy being murthered by the hands of execrable Russians; yet it is some relief to them, under all their sorrows, for thy unfortunate and tragical end, to be in a condition to vindicate thy Name from the infamy cast upon thee, of having destroy'd thy self. And tho' we have all the light into, and assurance imaginable, of divers other things, yet we do not here publish them, because that were both to expose divers persons to the like fate and destiny, & to deprive our selves of the benefit of their Testimony at a Bar against the Malefactors. We hope, nevertheless, that under all the disadvantages under which we lie, there is that account given of matters, circumstances, & persons; that none can reasonably doubt of the Truth of my Lord of *Essex*'s being perfidiously assassinated. And to set this Affair yet farther beyond all question and control, I do challenge those who do think themselves injured or aggrieved, that for their own vindication, and the discovery of that murder, they would put this matter concerning the manner of the Earl of *Essex*'s death, in a fair, safe, and legal way of Trial, without danger to them who shall appear as Witnesses, or damage to such as shall have the virtue and courage to undertake to prosecute. But if instead of this, they fall upon ruining Men by Actions of *Scandalum magnatum*, or of assassinating such whom they shall suspect to have detected this bloody and enormous Crime, I hope it will be look'd upon not as a vindication of their Innocency, but as an argument of their Guilt. Nor can any Man be brought into trouble for having or reading this Book, but it will be a fresh proof, that there is both a villainous Mystery in the manner of the Earl of *Essex*'s death, which they would not have known, and that there are persons guilty

guilty of, and necessary to it, whom it concerns them to preserve from the
 ignamy and punishment thereof. *Oreat Effect* How ungratefully wert thou
 recompensed for the Loyalty of thy Family, as well as thy own Sufferings
 and Services in behalf of the Crown? Was this the Reward of thy Fa-
 ther's laying down his Life on a Scaffold, and of all that thou thy self under-
 went and did for the King and the Government? Is it the fate of the *Capell*,
 either to die for the Royal Family, or to fall by the Treachery and Cruelty
 of some of the Royal Offspring? *Virtuous Soul!* when thou hadst not
 Crimes for which they could destroy thee, thy Worth and Integrity became
 thy capital Offences; when their infamous and perjured Witnesses could
 not administer ground to those at *St. James's* to reach thy Life, thy Love to
England, and Zeal for the Protestant Religion were sufficient Reasons with
 the Duke and some others, to conspire and compass thy death; and thy
 declining to join with the Papists to subvert the Laws of the Kingdom, and
 extirpate the Northern Heresie, was motive enough first to hate, and then
 to destroy thee; And what they despaired to effect by perjur'd Witnesses,
 and a pack'd Jury of *Peers*, they resolved to accomplish by suborned and
 hired Assassins. When they wanted the shadow of Law to Arraign thee
 before the *Peers*, in a publick way, they found Men wearing Stars and Coro-
 nets, who undertook to sit privately upon thee, and Sentence thee to die.
 Having lived the Patron as well as Darling of thy Country, thou fell at
 last, through the Malice of the Nation's Enemies, a Victim and a Sacrifice
 for its Rights and Liberties. Nor was there any way for thee to have escaped
 their rage, but either to have been laid devoted to God and thy Country,
 or less tender to them, and more their open and avowed Enemy. Hadst
 thou when time was, unravell'd the Popish Conspiracy, as thou both might
 and should have done, thou couldst have prevented the Misery that is fal-
 len upon the Nation, and the deplorable end thou hast been brought unto
 thy self: But thy Zeal for the greatness of the Monarchy, and thy Love as
 well as compassion to the Duke of *York*, have through the injustice and un-
 thankfulness of that Man whom thou wast so industrious to save, proved
 an unhappy occasion of our slavery, and thy own ruine. And tho' none
 does more reverence thy memory than I do, yet I cannot but observe how
 conspicuous the Righteousness of God is, in the Injustice of that ungrateful
 Man, whilst his Associates are reserved by Heaven to fall with him;
 they who knew his Designs, but out of pity to his Person, as well as love
 to his Majesty, thought fit to conceal them, are by an unsearchable, but
 holy Providence, left and suffered to fall by him. Not according to the
 measures of Wisdom, or inconsistency with the principles of true Reason,
 can any Man be a Friend to Religion and National Rights; without being

24 avowed Adversary to the Duke himself, as well as to his Contrivances. But what do ye think, O ye Peers and Gentlemen of England! Are not all your Lives threatened in the destruction of this one Nobleman? The Law that could not protect him, will be as unable to defend you: If the Tower of London, which is his Majesty's Royal Palace, as well as the State-Prison, could not secure the Earl of Essex from the irruption and violence of Assassins; can you either hope for, or promise your selves safety in your Country Dwellings? For if they want pretences of destroying you by persons in Ermine and Scarlet, they have no more to do but commisionate & arm Ruffians and Banditti against you: And when it may not be found convenient to assault your Lives, by Strangers and hired Rascals whom you do not know, they understand the art of debauching your *Palais de Chamber*, and the Servants into whose hands you commit the care of your Persons, to stab or poison you: Into what a deplorable condition are English Gentlemen reduced, being exposed if they stay in the Nation, to be either sworn out of their Lives by false Witnesses, or murdered by bloody Assassins; or if they withdraw and retreat into foreign Countries, made liable to be pursued to Outlawries: And which was never known in any Kingdom of the World, till Sir George Jeffreys had given us a precedent. An Outlawry does as certainly destroy a Man, if the outlaw'd party once fall into their hands, as if he had drunk poison, or were stabb'd through the heart with a *Sillao*. Of this the unfortunate Sir Thomas Armstrong is an example of the first impression, who albeit apprehended within the twelfth Month, which is the time the Statute allows for a person to come in and have the benefit of a Trial, notwithstanding an Outlawry, was yet executed by a Rule of the Court of King's Bench, without being allow'd a Trial, tho' he most earnestly demanded it, as the Right of the Subject, and what the Law of the Land gives him a just claim unto. And which is worthy to be remarked, as shewing the different treatment which Protestants meet with, beyond what was measured out to the worst and most criminal Papists. The same Attorney General who opposed Sir Thomas Armstrong's having the liberty and benefit of a Trial, and who required a Rule of Court for his Execution upon the bare Outlawry, did but a few years before in the case of *Levialian* and *Dow O'Carney*, two of the Ruffians who in the Papish Conspiracy were to have killed the King at Windsor, not only plead for the Reverse of their Outlawry (tho' they had been above two years outlaw'd, and came not in till they knew there was but one witness could swear against them, A. Bédde, the other Witness being dead) but he withal told my L. Chief Justice *Pemberton*, that there being an Error in the Fact, through their absence beyond Sea, when the Outlawry was issued out against them, the Reverse of it was

a thing of course, which they had a Right to demand, and which the Court was bound by the duty of their Office and Place to grant. Seeing therefore that those of you, *O English Peers and Gentlemen!* who remain either Faithful to God in the matter of Religion, or true to your Country in the business of Civil Rights, can neither hope to escape the malice and rage of your Enemies by staying at home nor by going abroad, is it not time to be at last so far awak'ned out of your Lethargy, as to demand Justice upon those bold and enormous Malefactors, that were the Contrivers and Perpetrators of this horrid Murder, upon this Noble and Innocent Lord? Can you believe that you have discharged your duty either to your Maker, your Prince, your Country, your selves, your Posterity, or to your murdered Friend, till you have filled the Ears of his Majesty, with a cry of innocent blood barbarously shed; and till you have demanded a *melius inquirendum* into the manner of that Nobleman's Death, and have brought the Authors and Instruments of his Assassination, to undergo the Justice and Severity of the Law? Let me tell you, *O Peers and Gentlemen!* that this is both what Heaven and Earth do expect from you. And if you continue to neglect it, you will in the account of God be reckoned amongst Accessories to that guilt, and in the esteem of Men be held for a dastardly and degenerate People; But if all Men shall either prove so timid, or so supine, as to be regardless of the Command and Authority of God, their own personal safety, the wrath that impends over the Nation upon the cry of innocent Blood: Awake then and stir up thy self thou All-seeing and Righteous Lord; who beholdest mischief and spite, to require it with thy hand, and make thy Wisdom known in the detection, and thy Justice in the punishment of this horrid Crime. For thou hast not only devolved the Inquisition after Murder, upon those who are entrusted with Rule among Men, but hast charged thy self with it; and *The blood of your Lives will I require at the hand of Man, and at the hand of every Mans Brother, will I require the Life of Man, and whose blood Man's blood, by Man shall his blood be shed.* And we do the rather make this appeal unto thee, *O Lord!* not only because they who are advanced unto the Seats of judgment, are either inaccessible, or Patrons of what they should search out and punish; but because they who take upon them to Minister in thy Holy things, have profaned thy Name, made contemptible thy Ordinances, and deceived thy People whom they should have informed, both by vindicating the Authors of this bloody Murder from the Guilt and Suspicion of it, and by defaming and wounding the Memory of an innocent and guiltless Person. While the Conspirators against our Religion and Laws, *Have been like VVolves ravning to shed blood, and to get dishonest gain, these mercenary Men have daub'd them*
with

with untemper'd Manners, making the King stand with their Phylactery, under the
 Pillars of their lies. 'Tis no more than the Enemies of Protestantcy and
 English Rights owe the success of all their attempts; and 'tis they who
 the Nation ought to accule, of being the Instruments that have betray'd us
 to Popery and Slavery. For to omit their other Villainies by which they
 have brought us well to ruine the Nation, as oblige the Popish Faction,
 they have endeavour'd to ingratiate themselves with that Treasonous party,
 by becoming Advocates for Assassines, and Concealers of Massacres: as it
 was Dr. Lloyd not discovering what he knew of the Murder of St. Edmund
 who gave way that advanced him to the Bishoprick of St. Asaph, and it is
 upon the Merit of joyning in the Conspiracy to destroy the Earl of Essex,
 that St. Lionel Jenkins is presumptively succeeder to the See of Winchester. The
 suffering this innocent and Noble Person (whose spirit some years ago they
 were ambitious to lick up) with the unpopularity of being *Felo de se*, and the ma-
 jority that wicked Fiction, to the involving others in the guilt of a Plot,
 hath been a years employment for some of the Clergy to exercise their Pa-
 tent upon; hoping thereby to pave their way to rich Benefices. Nor is there
 any thing to be said, which some of the Clergy will not prostitute themselves
 into, and glory in, if it may but serve the Designs of St. James, and pre-
 vent the detection of the Crimes whereof the D. of York is guilty, and from
 example we have of this, in no Ecclesiasticks coming to inform, and causing
 a Soldier to be made run the Gantlet, and so be cashiered. For a certain
 Church of England Divine being viewing the Tower, and with a kind of plea-
 sure on the remembrance that the Earl of Essex had there fatally ended his
 days, and a common Sentinel where the Chamber was in which my Lord
 Essex had cut his Throat. To which the Soldier (who was neither a stranger
 to the Reports that went current, nor ignorant of that Noble Person, nor
 to divers circumstances importing his Innocence and honesty he had fall-
 ten) replied, pointing at the same Chamber, *That is the Cham-
 ber where the E. of Essex was killed, and I am sure he honest Fellow would
 not down to the Reverend Person, that the E. of Essex had murdered him-
 self, but he perished in saying he was innocent, in such a place, therefore did
 the Divine inform against him, and brought him to suffer what I have re-
 ported.* Which we represent unto us the principles of the present Clergy,
 who are now in the dissimulation committed upon that Noble Peer. As there-
 fore the *Church of England* *Justice* *Longest* *for himself*, *yea* *for the Nation*
that he *has* *been* *miss'd* *to* *return* *upon* *their* *own* *heads* *and* *for* *the*
benefit *of* *the* *Nation* *and* *the* *honour* *of* *their* *mouth* *let* *them* *be* *retained* *in* *the* *Prison*
that *all* *Men* *may* *know* *God* *is* *in* *the* *Heaven* *or* *in* *the* *Earth* *but* *that* *he* *is* *in* *the* *Heaven*
and *into* *the* *Ends* *of* *it*.

